Hawaiian Gazette.

VOL. XXXVII, No. 31 HONOLULU, H. T., FRIDAY, MARCH 14, 1902—SEMI-WEEKLY. WHOLE No. 2367.

HUMPHREYS FINDS SMITH GUILTY OF CONTEMPT

Gear at Once Imposes Sentence of Thirty Days Imprisonment as Punishment.

Writ of Habeas Corpus is Granted Later on by Chief Justice Frear and Editor Is Released.

WALTER G. SMITH, editor of the Pacific Commercial Advertiser, was adjudged guilty of contempt of court by Judge Humphreys yesterday, and by Judge Gear sentenced to thirty days' imprisonment at Oahu Prison. Judge Robinson also sat upon the bench, and according to Humphreys, concurred in the findings.

Mr. Smith was detained in the court room until after 3 o'clock in custody of a bailiff, then the long delayed mittimus was served and he was taken to the police station, where half an hour later he was released upon a writ of habeas corpus. The writ which was issued by Chief Justice Frear, was made returnable on the first day of the next session of the Supreme Court, which is Monday, April 21st, adjournment having been taken yesterday for the term.

The court room and corridors were crowded when court convened yesterday morning. The time for the return was fixed at 9 o'clock, but it was fifteen minutes later before the three judges marched into the room, Humphreys in the lead, and took seats upon the bench.

Judge Gear opened the ball, by asking if any return had been made. W. O. Smith, appearing for the respondent, replied that W. G. Smith was in court, ready to put in an appearance. Davis stated that he would like to introduce some evidence, when Mr. Smith said that he first wished to present a motion to discharge the rule which he read as follows:

MOTION TO DISCHARGE RULE TO SHOW CAUSE.

Now comes Walter G. Smith, the respondent in the above entitled contempt proceedings, and moves the court that the rule to show cause why the said respondent should not be punished for contempt herein, be discharged, upon the following grounds:

I—That the act complained of in the motion upon which said rule to show cause is based, is not, in law, a contempt of court for which the court has power to punish this respondent.

II—That this court cannot legally punish as for contempt a publication of the nature of that herein complained of, made in a newspaper and not done in the immediate presence of the court.

III—That the publication of a cartoon or picture, such as that complained of, done without knowledge by the person so publishing the same that a case pending before the court would or might be prejudiced thereby; or without knowledge that any such case was pending, is not a contempt of court, and cannot be punished as such.

IV—Under the statutes of the Territory of Hawaii, no publication out of court in relation to the court or to any of its members amounts to a contempt, and the same cannot be punished as such.

Honolulu, March 13, 1902.

WALTER G. SMITH,
Respondent.

Davis here again asked for leave to introduce evidence, which Judge Gear refused to allow, stating that the motion was in the nature of a demurrer and must first be disposed of. He remarked further that the third paragraph was improper pleading, to which Mr. Smith assented. Judge Robinson then said that the court would give leave to amend by striking out that paragraph, which was accordingly done.

Judge Gear then announced: "With that part stricken out, we are all of the opinion that the motion will be denied."

Mr. Smith thereupon presented the return, reading as follows:

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT, TERRITORY OF HAWAII.

February Term, 1902.

Territory of Hawaii vs. William McCarthy, re Contempt of Walter G. Smith.

RETURN AND ANSWER OF WALTER G. SMITH.

Walter G. Smith, the respondent in the above entitled contempt proceedings, for return and answer to the citation and order herein, and to purge the contempt herein alleged, says:

I—That he is the editor of the newspaper called "The Pacific Commercial Advertiser," printed and published in Honolulu, in which was printed the cartoon or picture referred to in the motion herein.

II—That at the time said cartoon or picture was published he did not know that the case of the Territory of Hawaii vs. William McCarthy, wherein the said McCarthy was charged with assault in the first degree, as alleged in said motion, was begun or was pending before the said Circuit Court or any other court.

III—That he knew that the said McCarthy had been tried in said Circuit Court upon a charge of "mayhem," and had been discharged by the court some days prior to the publication of said cartoon or picture, but did not know, nor had he been informed that another charge on the same state of facts had been entered against said McCarthy, and that the trial on said new charge had been begun or was pending.

IV—That said cartoon or picture related solely to said case of the Territory vs. William McCarthy, charged with "mayhem," which had been tried and determined, and was not published with intent to prejudice the jury or the public, or any one, respecting the merits of any case pending against said McCarthy, or to prevent or obstruct the administration of justice, or to show contempt of the Hon. George D Gear, judge of the Circuit Court, or of said court.

WALTER G. SMITH,
Respondent.

At this point Judge Humphreys stepped in: "I notice in your answer," said he, "that you expressly refrain from disclaiming any intentional personal disrespect to presiding judge of this court. Is that intentional or inadvertent?"

Attorney Smith replied that it was intentional, and then inquired who was hearing the case, stating that he understood Judge Gear to be presiding. Judge Gear replied that all three judges were sitting together.

"As far as I am concerned, you will govern yourself accordingly," said Judge Humphreys.

"We have tried to treat the court with respect."

"The court demands such treatment as a right, and not as a privilege," said Humphreys, even more hotly.

"I treat the court with respect, and I demand the same treatment from the court," replied Mr. Smith, also with some show of anger.

Then Davis began the introduction of his testimony, to prove the alleged contempt; and for that purpose called the jurymen who had been impannelled to hear the case. Eleven of them testified that they had read the Advertiser and saw the cartoon. Then Davis read the words under the cartoon, "Bless you, McSwilligan, bite her again," with such vicious emphasis that everyone in the court room laughed, excepting the first judge. There were several outbreaks of laughter in the audience at the remarks of the witnesses, and Gear joined in as heartily as anyone else. The jurymen all concurred in this testimony, and then Humphreys discovered an important omission, in that they failed to identify the subjects of the cartoon, and upon his advice Davis recalled the first three jurors to add these facts to the record.

The jurors all identified the cartoon as depicting Gear, but one of them, Cooley, didn't think the picture of McSwilligan looked anything like McCarthy, but thought it was more like a monkey. Davis said: "I don't think there can be any misunderstanding as to this meaning the court, and that McSwilligan was meant for McCarthy, and referred to the woman he bit, I mean he is charged with biting," the attorney corrected the admission immediately.

Cooley also denied that he was a regularly and legally impannelled juror but said he had been brought in by main force and compelled to serve. Mr. Smith objected to some of the questions of Davis as leading, whereupon that attorney became quite wrathy, and hissed the questions at the witnesses with a truly melodramatic turn at the defendant's attorneys.

The record of the first trial was next introduced in evidence, and Colonel Jones, as official court reporter, was called to testify to the ruling made by the court upon the motion in arrest of judgment. Mr. Jones had not been in court at the time the decision was rendered, and Judge Gear stated that he would take judicial knowledge of the fact, that he had discharged McCarthy on the ground that there was no such crime as mayhem in the Hawaiian statutes.

During the interruption while Colonel Jones was looking for his record, Attorney Smith arose and asked leave to amend the return, to show that there was no intention of showing disrespect to Judge Gear, and this was allowed.

Humphreys then explained why he had raised the question in the first place. "It was my purpose in calling attention to this matter to show that the manifest tendency of the cartoon was to sway and influence the jurors by showing that the presiding judge was in league with these criminals, and that therefore the jurymen should take the bit into their own hands, without reference to the instructions or to the judge."

"That is all the evidence we have to offer," here remarked Davis.

"That is of the former trial," said Humphreys, who evidently expected further testimony. Davis made no reply.

Mr. W. O. Smith then announced that he had no evidence to offer, having refrained from cross-examining the witnesses put on the stand by Davis.

Mr. Davis then began his argument, quoting frequently from an Ohio decision in a contempt case. He said that the court was created by the Organic Act, and consequently was a constitutional court, and that the legislature not having created the court, could not limit its powers.

He contended further that the publication was actual contempt, not constructive, and was not a report of court proceedings. This was a violation of the sixth amendment to the constitution guaranteeing every man a speedy trial, and the cartoon had interfered with this right, and tended to bring the court into ridicule, and interfere with the proper administration of justice. He referred to the liberty of the press, granted by the constitution, but said that the right to a fair and impartial trial was more important, and this cartoon struck at the very fabric of our institutions. He referred also to his own case where he had been sentenced to prison for attacking the court in a bill of exceptions, and in which W. O. Smith, then attorney general, had prosecuted. The proper way to punish Judge Gear was by impeachment, said Davis, and an appeal to the President, and if he had done anything to justify it, to call a meeting of the bar and prefer charges.

"Judge Gear has done the best he could under all the circumstances, and with a meager salary of but $250 per month," said Davis. He stated that Gear had done nothing for which he should be libelled, and had no reason for wishing to free criminals, but that this cartoon had overstepped the bounds, had brought the editor into active contact with the court. He closed with a reference to the "disgraceful, libelous and scandalous cartoon," and said that W. G. Smith was the only responsible party, while behind him sat those who egged him on, in an attempt to throw the community into disorder.

The proper way to secure Gear's removal, he said, was through an appeal to the President. "I feel that the court ought to be treated with respect, whether I like the judge or not." If the court is not a proper party to sit upon the bench, charges should be preferred," continued Davis; "but it seems to me that his character has been pretty well sifted by this time, though he is not an angel." (Laughter.)

Davis closed with a long harangue about his own professional honor, and how he had always treated the courts with respect, adding, by way of an afterpiece, a few shafts aimed at the attorney general.

Mr. A. Lewis followed with a brief argument, confined almost wholly to the legal aspect of the case. He said that they relied upon two simple propositions—that it was not within the power of the court to punish for constructive contempt, that the court was formed by the laws promulgated by the legislature of Hawaii, which laws had received the sanction of Congress, and that there can be no punishment for constructive contempt. The courts took their powers from the legislature, and certainly also must be limited by the same laws. He contended that the cartoon referred to the first McCarthy case, which was not pending, and there was no knowledge on the part of the respondent that the case was again on trial.

The case having been concluded and the decision rendered, there could be no contempt; and Mr. Lewis quoted from the decision in the famous "Chicago American" case, wherein Andy Lawrence had been sentenced for contempt and released. He quoted from the decision to show the freedom of the press, and the right to criticize the action of any judge, just as well as of the Presideint or of the governor. This cartoon was entirely in reference to the first case, as alleged in the return, and the affidavit of Mr. Smith was uncontradicted.

"The editor of a paper is presumed to know what appears in his paper," said Judge Gear. "Here in the same issue is a half-column article on the second trial of McCarthy."

"The court will take judicial knowledge of the fact that it is impossible to delegate the absolute control of everything that appears in the modern newspaper to one man," added Judge Humphreys, "and the editor disclaiming knowledge of the publication is no more censurable than would be the general manager of a railroad if one of its conductors assaulted a passenger a hundred miles down the road."

Mr. Lewis in conclusion said that the answer of Mr. Smith was conclusive, being uncontradicted, and if he did not tell the truth he was liable to indictment for perjury.

W. O. Smith said that as a member of the bar he wished to disclaim any intention of attacking the authority of the court, or detracting from its powers, but that he did not believe the cartoon to be contempt, and that the remedy sought was not proper; but that the court was not without proper remedy, if it sought to exercise it. Humphreys interrupted to say that this was not constructive contempt.

Mr. Smith replied that the judges had the same remedy as did the President or governor, and that the court's authority to punish for contempt was limited in the Hawaiian statutes to offenses in the court room, but that for offenses committed outside the court room, judges had no more protection than did other officials or citizens.

Judge Humphreys stated that the section of the Hawaiian statute referring to constructive contempt was null and void, and not being a law could not have been carried over and re-enacted by Congress. He said that the section was unconstitutional and consequently there could be no constructive contempt.

Mr. Lewis replied that it was a question of fact, as to whether or not the law had been declared unconstitutional, and said that he knew of no decision to that effect.

Humphreys replied that being unconstitutional it was void at the time of its enactment.

Mr. Lewis did not believe a law could be declared unconstitutional except by some action on the part of a court.

Humphreys then said that there were no Circuit Courts at the time of this act, and it referred only to the Supreme Court or District Courts. This was a matter of history, and W. O. Smith replied that there had been Circuit Courts in Hawaii since 1859. The court appeared satisfied with the statement, and Bitting then began his argument. He referred to the cartoon as blasphemous, and said that all the facts had been admitted. He said that questions of law were not involved in the case at all, and concluded by saying that it was actual and not constructive contempt. At this point the court took a recess for fifteen minutes.

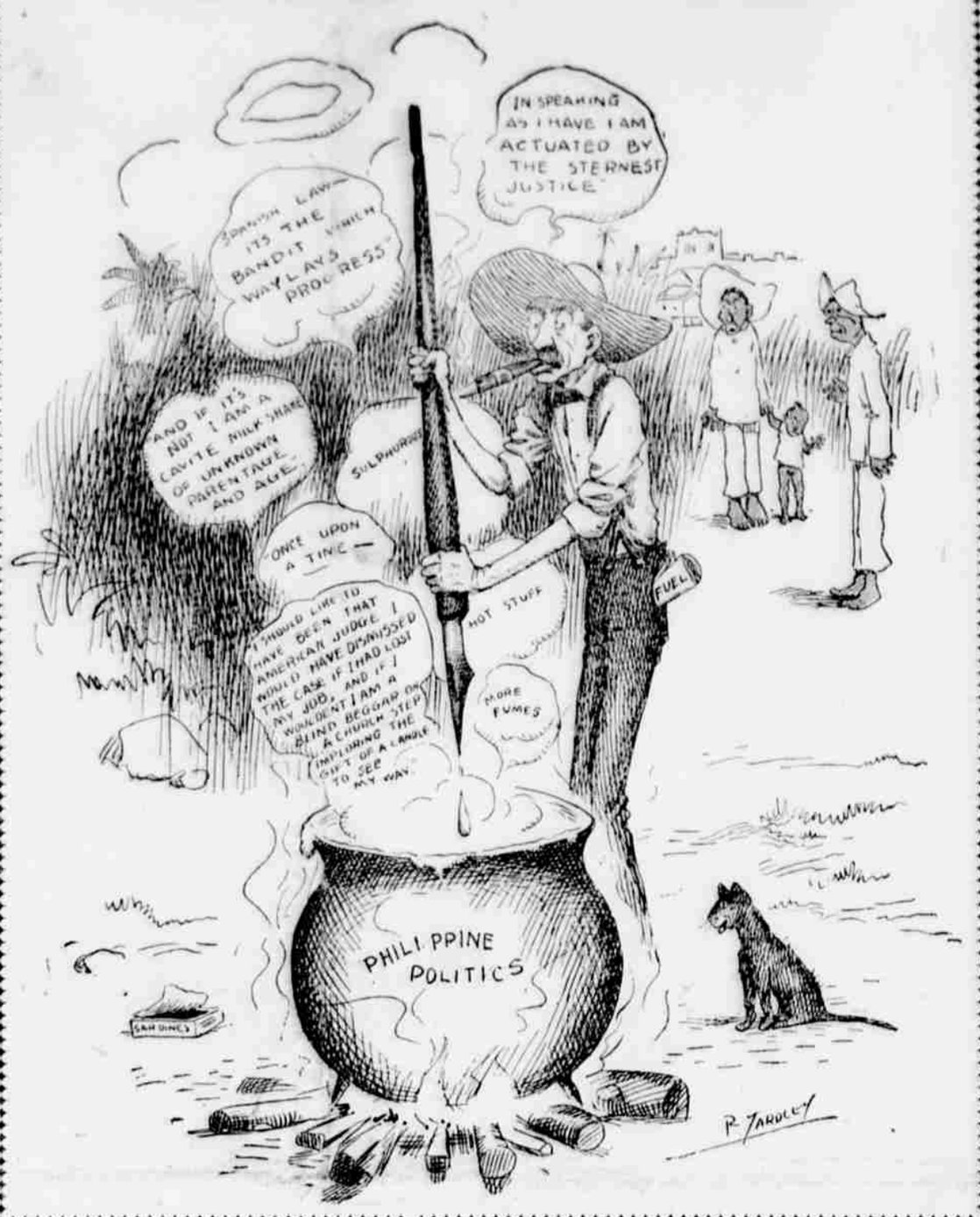
The court returned to the room in about twenty minutes, Judge Humphreys leading the way, with an armful of law books. Humphreys began immediately upon his ruling. He said:

The affidavit filed in this case seems to set out pretty fully all the pertinent, material and relevant facts. The charge of contempt whether it be held to be a direct or indirect contempt, a constructive contempt or a contempt committed in the face of the court, is charged technically in apt and proper words.

On behalf of respondent it is contended that this court is without the power which ordinarily inheres in all courts of record to protect themselves and to prevent the obstruction, embarrassment and hindrance of the due and orderly administration of justice. This contention is made under the act of

(Continued on Page 5.)

THE VOLCANO AT WORK



DESPERATE CONVICT ESCAPES

Woods, the Negro Life Termer, Is at Large.

LEAVES GANG AT KEWALO QUARRY

Armed Posse Scours Country All Night Long—Stole a Cane Knife.

WOODS, the desperate negro sentenced last year to life imprisonment for breaking into the Spreckelsville store on Maui and decamping with the safe containing $1000, escaped from the gang of convicts working in the Kewalo quarry, behind Punchbowl, yesterday afternoon, and at 2 o'clock this morning was still at large.

There were about 50 prisoners in the gang, with three guards. About 3:30 o'clock Woods asked to be allowed to get a drink of water, and permission being granted, proceeded to a small shed some distance from where he was working, in which the water was kept.

This seems to have been the last seen of him. After a while his absence was noticed, and the prisoners were taken back to Oahu Jail as quickly as possible, and a telephone message sent to the police station telling of Woods' escape. At once every available man was collected and Deputy Sheriff Chillingworth and a posse set out for the quarry.

Until sundown the country in all directions was scoured, but only one trace of the fugitive was found. Not far from the quarry is a small house, inhabited by an old native woman. Woods visited the place, and finding no one at home, broke into it and ransacked the premises. When the officers arrived at the house they found the floor covered with clothing. The tenant of the house said that a dress and a cane knife had been taken away.

All night long a score or more of armed officers were posted at different points in the neighborhood. Officers were also stationed all over town at resorts frequented by the colored population. When the collier Alexander departed she was carefully searched and men were also detailed to watch the transports Egbert and Warren.

The country in the quarry district is densely covered with lantana, which makes pursuit a matter of extreme difficulty.

Woods has escaped from custody once before. About six months ago, after being committed for trial, he was brought to Honolulu for safe keeping. One day he scaled the high wall of Oahu jail and escaped into the lantana at Kalihi, where he was discovered in a pit and retaken at the point of a revolver.

After being sentenced to life imprisonment by Judge Kalua, he one day attacked the jailor at Wailuku jail in a desperate attempt to escape, and had not assistance arrived in the nick of time, would have choked him to death.

During the first three months of his incarceration in Oahu jail Woods wore a ball and chain which, as he behaved himself well, was taken off at the end of that time. It is thought by the police that his escape yesterday was the result of a plan in which some of his friends were concerned. If this is so, a horse may have been in waiting for him, and if Woods succeeded in making connections his capture will be that much more retarded. The fact that he took the cane knife from the woman's house, shows that he does not intend to be taken without a fight.

Woods is about twenty-eight years of age, 5 feet 10 inches tall, broad-shouldered and powerfully built, very black, and possessing an unusually high forehead.

ANOTHER MAN NOW MISSING

Half a dozen men of the crew of the transport Warren went to the police station last night and reported that one of their comrades named Connors had been missing for a week. They said that the description of the man found in the harbor last Sunday tallied with Connors. The sailors have the missing man's vest in their possession, and the police will compare it with the dead man's suit this morning.

WILLIS CHARGES POTTER

Says New Yorker Interfered Here.

The following letter was written some months ago, and just now has been given out to the press. There are some facts brought out in it which will prove of great interest, especially those referring to the status of the bishop while at San Francisco. The letter says:

AN OPEN LETTER.

From the Bishop of Honolulu to the Chairman of the House of Bishops of the Protestant Episcopal Church in the United States.

The following appeared in the Pacific Commercial Advertiser of Honolulu, on January 24, 1902:

Bishop Potter advises going to the court.

Suggests an injunction to keep Bishop Willis from ending Second Congregation.

"I would by all means get out an injunction to restrain Bishop Willis from attempting in any way to interfere with your congregation.

"I am writing him by this mail in very plain terms."—Extract from a letter of Bishop H. C. Potter to Rev. Alexander Mackintosh.

My Dear Bishop of Kentucky—The pleasant recollection I entertain of the courtesy with which you received me into the House of Bishops on Monday, October 7th, the fifth day of the session of the general convention, held at San Francisco, gives me assurance that what I have now to lay before you, will be carefully weighed and considered.

In the communication I laid before your house through the committee of the bishops in council, I undertook, through the action of the Diocesan Synod of the Anglican Church in Hawaii, to bring the church of the Church of England in the Hawaiian Islands into union with the Protestant Episcopal Church in the United States. The task was one for which no precedent existed in the history of the Anglican communion. I need hardly mention that it has involved weeks of anxious care and continuous labor. At the outset we found ourselves confronted with obstacles which appeared insurmountable. But in the issue, as the record I have already sent you shows, without sacrifice to a single principle, and without deviating from the fundamental provisions of the Anglican Church in Hawaii, that church is now the Protestant Episcopal Church in the Hawaiian Islands, holding all its valuable property subject to the constitution and canons of the Protestant Episcopal Church in the United States. Reluctant as many of our people were to part with the prayer book of the Church of England, the situation was cheerfully accepted, and by a unanimous standing vote the synod acceded to the rule of worship of the Protestant Episcopal Church, and promised allegiance to its constitution and canons. All this has been done, and the prospect was reached that on the day on which my jurisdiction ceases I should hand over to the presiding bishop of the church in the United States a diocese at unity in itself.

Should this hope fail of realization, the cause of the failure will be the unholy, uncanonical interference of the bishop of New York, whose letter to a clergyman in this diocese has been published, urging him to take legal proceedings against the bishop for no other purpose than to prevent the allegiance we have promised to your branch of the church going into effect, and to carry into the new regime conditions entirely foreign to all rules and regulations of the Protestant Episcopal Church. If any think that Bishop Potter understands conditions here, it is sufficient to state that he was ashore here less than ten hours. His uncanonical action is based not on personal knowledge, but on ex parte correspondence. This act of the bishop of New York, by which he has stirred up the elements of strife and disaffection and aims at putting the liberties of the Protestant Episcopal Church in the Hawaiian Islands under the heel of a faction which for forty years has hindered the growth and development of the church of the Anglican communion in these Islands is but the exposure of the hand which for months past has been directing a conspiracy against the liberties of this church and diocese.

Not to go back further than last autumn, lest I weary you, you will doubtless remember that I was introduced to your house at its morning sitting by Bishop Potter on Monday, October 7, the fifth day of the session. When recess was taken you announced that on reassembling the bishops would go into council on the Hawaiian question, and you asked me to attend. Since my arrival in San Francisco on the evening of the 5th, not one of the bishops had called on me, nor had I received the faintest intimation that any action had been already taken on that matter. I had undertaken the journey to San Francisco by invitation, supposing that there would be mutual consultation as to the future of the Diocese of Honolulu, which founded originally in the kingdom of an independent sovereign had come in consequence of the Spanish-American war within the territory of the United States. The Diocesan Synod of the church in Hawaii had already expressed its readiness to take the necessary steps for the union of the diocese with the American branch of the Anglican communion. Not only was the resignation of the bishop not essential to accomplish this result, but, having made the question a special study, I say without fear of contradiction, that without the bishop the result could not have been constitutionally attained. It could only be reached by the voluntary act of the Anglican church in Hawaii through its diocesan synod. And an act of the synod required the concurrent consent of the bishop, clergy and laity.

Nevertheless, although it was known that I should be in the city in time for the fifth day of the session, a resolution had already been brought into the house and passed asking for my resignation. Having been passed in council and no knowledge of it had gone abroad, and as I have already said, no intimation of it had been conveyed to me until coming into your house on that Monday afternoon, October 7, the secretary read out the resolution, a copy of it being placed in my hand. The occasion was one that stands, as far as I can discover, unparalleled in the history of the church, the bishop of an independent See invited to the house of bishops of a branch of the church with which his diocese was not yet connected, and on entering their assembly of over eighty bishops, all but seven of whom were junior to himself in the episcopate, to be called upon to address them on a resolution already passed asking him to resign.

The present action of the bishop of New York throws a side light upon an action which was to me at the time incomprehensible and inexplicable. It is perfectly true that after the annexation of the Islands had taken place, I signified my readiness to resign on condition of the continuity of the See being secured, should such a course be desired by the house of bishops. But my offer on that condition had not been accepted. Moreover, the aid given to this diocese by the Society for the Propagation of the Gospel, which included my entire stipend, had been withdrawn on June 30, 1900, and from that date I had maintained the status of the church in the Islands, through the aid of a few earnest churchmen, without receiving a dollar from the church in the United States, which in 1898 had claimed the ultimate jurisdiction over the church in the Islands. That notwithstanding the cutting off of an annual grant of $4,250 per annum, not a single mission had been abandoned, constituted, I still venture to think, some claim on the consideration of your house; nor was it a presumption on my part to expect that the first step on the part of your house, if a change in the episcopate was desired, would be to confer with me with regard to the renewal of the offer I had made in 1899 and to ascertain the true position of the diocese in respect of its property, clergy, and institutions. Until the publication of our diocesan statistics in the general convention souvenir edition of the Catholic Witness, it was impossible for the members of your house to have had any real knowledge of the position of affairs in this diocese.

Nor could the whole state of the diocese be learned from that statistical table. For, holding most strongly that for a bishop voluntarily to resign his See is to look back from the plow to which he has put his hands, I have rooted myself in these Islands as deeply as any bishop in the United States is rooted in his diocese. An important educational institution has from a month after my arrival in 1872 been carried on on my own private property, which would have ultimately become the property of the church. By a will executed in 1897, I had made my successor in the See legatee of much that I possess in trust for the church. The house of bishops having now called upon me to tear up my roots in these Islands, "forcing me out," in the language used by Bishop Potter to the secretary of the S. P. G., in his letter of April 20, 1900, incorporated in the society's memorandum of October 4, 1900, that will must now be revoked. Such being the true position of affairs, how came it about that a house composed of the leading men in the United States passed a resolution so eminently unfair to a brother in the episcopate? I am persuaded in my own mind that the consent of the house was obtained under a false impression conveyed by the bishop of New York. I have already in my address to the synod, a copy of which I have sent you, criticised a memorial from these Islands which was presented to both houses of the general convention. I need only add that it was not promoted by Americans, and that it never lay in a public place for signature, which would undoubtedly have been the case had the promoters been acting honorably and constitutionally. I stated in my address my belief that it had been signed by all sorts and conditions of men, women and children, and not a word has been said in synod or out in rebuttal of that statement.

My criticism of that memorial did, however, elicit one important statement which appears on the journal of the proceedings of the synod now in the press. It was this, that the promoters of that memorial acted on the instigation of a prominent churchman in the United States. It was no secret that the prominent churchman was the bishop of New York. Now, sir, you have the story in a nutshell. Bishop Potter corresponded with certain disaffected persons in the Islands and persuaded them to place a memorial in his hands, and armed with that lever he secured in council the passage of the resolution asking me to resign.

And now, not content with this, he has continued in correspondence with a clergyman in this diocese who for years has held no communion with his bishop and brother clergymen in the sacrament of the altar at the opening of our synods, and urges this man to institute proceedings in a civil court against the bishop to whom he owes canonical obedience. As I said at the outset, the difficult work intrusted to us has been carried through on constitutional lines. If there was one duty devolving on me more imperatively than another, it was not to leave my successor entanglements to unravel, or bequeath to him obstacles to the free exercise of his ministry in his own cathedral. And if through the intriguing and interference now brought to light a factious opposition to the acts of the synod continues to exist, to the disturbance of peace and harmony, the responsibility for it must rest with the bishop of New York.

For myself, I have endeavored unreservedly, and with the same loyalty to the constitution and principles of the Protestant Episcopal Church, as if I were to remain in the See, to leave the diocese on a sure foundation, and to remove from the path of my successor certain hindrances to his liberty of action, and I am confident that, when the work of our diocesan synod is examined and understood, it will (to use the words of the preface to the Book of Common Prayer of the Church of England) have the approbation of "all sober, peaceable and truly conscientious sons" of the Protestant Episcopal Church in the United States.

I remain, my dear bishop, sincerely and fraternally yours,

ALFRED WILLIS,
Bishop of Honolulu.

Honolulu, January 30, 1902.

To the Right Reverend T. U. Dudley, D. D., Bishop of Kentucky, Chairman of the House of Bishops.

BISHOP NICHOLS WILL COME WITH KNOWLEDGE

(Special to the Advertiser.)

SAN FRANCISCO, March 6.—The long drawn out controversy between Bishop Willis and the Second Congregation of St. Andrew's cathedral has deeply interested Episcopalians in California. When the bishop was here a few months ago his striking figure attracted much attention on the streets and his peculiar costume caused much comment on the part of San Franciscans. It is believed here now that with Bishop Nichols in supreme command Bishop Willis will submit gracefully. Town Talk says:

Now that Bishop Nichols has been appointed to the Hawaiian diocese, his famous bon mot upon the Right Reverend Willis, the incumbent bishop of the Islands, would seem to become a matter of historic humor. Bishop Willis will be remembered as the tall, thin old gentleman who appeared before the Episcopal convention in knee breeches and emaciated calves, and gave a somewhat long and late-for-dinner talk on "What I have done for Honolulu and why you should not put me out of there," at the end of which talk it suddenly appeared to most of the convention that maybe he ought to be put out after all. They wondered how so fat a position could produce so lean a clergyman and feared lest the good man was starving himself to help the poor. Later in the day, Bishop Nichols was approached by a member from New Jersey.

"There is some rumor, Bishop," said the Eastern member, "of Bishop Willis resigning and of the Senate sending you to take his place. What do you think about it?"

"What do I think about it?" exclaimed Bishop Nichols. Then he stopped and smiled. "I'm afraid," he said, "that that will not be a case of 'Barkis is willin',' but more probably, of 'Willis's barkin.'"

And Willis has barked with a vengeance.

CAPTAIN POND.

Word comes from the East that Captain Charles F. Pond, of the United States Navy, will soon be stationed here in charge of the Naval Training School on Goat Island. The Navy Department has decided upon his appointment as executive officer of the station, although no public announcement of the fact has yet been made. Captain Pond is now at Washington, D. C., but is expected here in a few days. He has been in the navy twenty-five years, and his valuable services at Honolulu are of course familiar to all readers of the Advertiser.

Captain Pond was stationed for six years at Mare Island. While he was in Honolulu, his son, Charles Pond, was appointed to the Naval Academy at Annapolis, by Delegate Wilcox, as the first cadet named from Hawaii. Mrs. Pond is the sister of Mrs. E. B. Lamare, of Berkeley, and of Mrs. Wm. Keith, wife of the celebrated artist. Captain Pond's mother-in-law is Mrs. E. J. McHenry, of Berkeley.

LECTURE ON HAWAII.

M. H. Flint is still talking about Hawaii before large audiences. Flint will be well remembered in Hawaii, as the United States postal inspector, who had charge of the Americanizing of the Hawaiian postal system, and who made many friends while in Honolulu. He is a fluent talker, and having been much impressed by what he saw in Hawaii, he framed an interesting lecture, which, illustrated with lantern slides, he delivers whenever opportunity offers. An evening or so ago he described the beauties of Hawaii to a hall full of people at the Los Angeles Young Men's Christian Association.

THE FISH EXPERTS.

It is evident that Dr. Gilbert, who heads the piscatorial commission to Hawaii, and who is one of the most distinguished Ichthyologists in America, was not liked by the students of Stanford University, at which he has a chair. One of the cleverest graduates of Stanford is Will Irwin, now on the editorial staff of the Chronicle. Irwin writes on Dr. Gilbert in the News Letter as follows:

Dr. Gilbert of Stanford University has gone to study the fishes of Hawaii, and there is a great sigh of relief coming up from Palo Alto. Perhaps this is the cause of the great winds that have been sweeping through the city this week and threatening to blow the Donahue fountain into the bay. Be that as it may, I am glad for the students and sorry for the fishes. This medieval inquisitioner and intuitive spy has so long stirred up ill feeling in every community he has entered that I should not be at all surprised if the Honolulu fishes got wind of his coming and migrate in a body to Labrador or Alviso slough, or some other out-of-the-way body of water where Gilbert is not. When I reflect that the study of fishes is the specialty of Dr. Gilbert of Stanford, I lift a little silent prayer of thanksgiving that I am not a fish.

MISCELLANEOUS.

Mrs. Gladys Piver Ray, who is a sister of Johnny Piver, and who was well known in Honolulu, where her mother kept a boarding house, is now singing in public. She recently sang at a mechanical piano recital. The concert was as follows: Piano recital by Angelus piano player, assisted by Gladys Piver Ray, mezzo-soprano, and the Victor talking machine. Mrs. Ray was sandwiched in between the machine Paderewski and the phonograph, but did very well I am told. By the way, the use of these mechanical players is becoming so common that a current joke illustrates the possible future: Little Mary—"O, mamma, come downstairs quick. There is a man playing the piano with his hands."

M. A. Hunt, of San Francisco, is reported in the New York Commercial as saying that the freight line between San Francisco, Seattle and Puget Sound ports and Honolulu will be a big dividend payer. He says: "Business between these points is steadily increasing because the Hawaiian Islands under American rule are developing rapidly. There has been so much to attract Americans that they have not attracted the attention they would have done under normal conditions. However, Americans are beginning to appreciate the possibilities of the Islands now and many are going there. I believe that within a few years they will be as important from a commercial viewpoint as any State in the Union."

The daily papers note the death of Dr. George Saul, at Honolulu. The body was expected to arrive on the Alameda. Dr. Saul was a native of Petaluma, aged 27 years. He was recently graduated from the San Francisco Medical College, and had served with the United States army in the hospital corps.

FREDERICK O'BRIEN.

PRINCE IN MANY STATES

High Honor Is Paid to the Guest.

CLEVELAND, Ohio, March 5.—Prince Henry was too tired to appear for any of the receptions informally tendered to him by the cities through which he passed early this morning in Northwestern Ohio, until his arrival in Cleveland at 9:10. His train, which left Milwaukee at 10:10 o'clock last night, was transferred at Chicago, shortly after midnight, and left at once for Cleveland, Buffalo and Niagara. At Toledo nearly 2000 people were at the depot at 6:20 o'clock when the special came in. They had a band and two big bouquets and were all ready to extend the hospitable hand. The Prince was sleeping when the train arrived at Toledo. The band awakened him but it was too late then to get up. The bouquets were thrown aboard and later in the morning the trainmen presented them to the Prince. There was another crowd at Sandusky, but the Prince had fallen aleep again and did not come out.

There has been some apprehension aboard the train about possible delay in New York on account of the floods, and it has been practically decided that if the train cannot be put through on the routes mapped out for it without extended delay, it will be transferred to one of the Southern lines.

Thousands of people forced their way through gates at the Union Station when the train bearing the Prince and his party arrived in this city. Rear Admiral Evans was the first person to appear on the car platform. He was cheered wildly by the crowd, most of whom recognized the naval hero.

In the absence of Mayor Johnson, Acting Mayor Beacom informed Prince Henry that the people of Cleveland were very much disappointed in not having the honor of his presence here for a long period. He said that the city was made up largely of German-Americans, all of whom had been enthusiastically in favor of giving him a reception.

Prince Henry expressed his gratitude for the kind words and said he regretted that a longer stop had not been arranged. Mr. Beacom, at the request of the crowd, urged him to appear upon the platform and make a brief address.

"Send him in," said Prince Henry, when informed of the presence of a man who claimed to have been a valet to the Prince on a German man-of-war. The Prince recognized him immediately and there was an enthusiastic handshaking. Prince Henry inquired into many details of his life since he had served on his ship.

Prince Henry then stepped out on the car platform. Cheer after cheer rang out from the crowd, followed by calls for a speech. The Prince smiled and bowed, but pointed to his throat and remarked that he was too hoarse to attempt to deliver a speech.

After a stop of 15 minutes the train pulled out for the East at 9:25 followed by tremendous cheering from the crowd, which the Prince acknowledged by repeatedly bowing.

ST. LOUIS, March 4.—Prince Henry arrived here this morning, and was greeted by thousands. He remained in the city four hours. A breakfast party was given at the St. Louis Club. Mayor Wells presented the Prince with a casket of silver, ornamented with gold, containing the address printed earlier by the mayor.

CHATTANOOGA, March 3.—Prince Henry went up Lookout Mountain today and after viewing the ground where the Union and Confederate armies met in conflict and hearing afresh the story of the battles, resumed his journey. Leaving Chattanooga, the train went through a corner of Alabama, hurried across Tennessee, Kentucky and thence to St. Louis.

MILWAUKEE, March 4.—Milwaukee played the host to Prince Henry for six hours this afternoon, and gave him a reception that was enthusiastic and unique. It began with a drive through the business and residential districts in review before a crowd that numbered 200,000. Then there was a public reception, at which Governor La Follette and Mayor Rose voiced their welcome and the United Singing Societies raised their voices in mighty chorus. There was also a splendid illumination and a thrilling night run of the Milwaukee Fire Department. Later there was a banquet at which the Prince met the leading citizens of the city and State.

BOSTON, March 4.—During Prince Henry's visit here he will be given a $10,000 Masonic souvenir, the donor being Mrs. P. C. Goodwin.

CHICAGO, March 4.—No more flattering welcome could have been extended any visitor than that to Prince Henry when he arrived at 6 o'clock this evening. He was welcomed by Mayor Harrison at the Union Station. German veteran soldiers lined the streets and were enthusiastic in their greetings. At the banquet given in the Auditorium Hotel, 157 people were present. The Germans of Chicago greeted the Prince with their singing societies and an address of welcome was read. The grand ball given in the Auditorium was perhaps the most magnificent social event given in Chicago.

During the day he listened to an address from the Central Bund of St. Paul, placed a wreath on the Lincoln monument in Lincoln Park, and enjoyed a luncheon at the Germania Club.

WASHINGTON, Feb. 27.—Prince Henry of Prussia journeyed to Mount Vernon this afternoon and placed two wreaths on the tomb of Washington. He approached the grave of the first President with bared head. A group of over a hundred men stood in the approach to the grave uncovered and their silence added to the spirit of solemnity.

Fifty feet down the sward that falls away from the tomb Prince Henry planted a linden tree. The tree had been set in place prior to his arrival, and, taking a spade, the Prince filled the earth in around it. The Prince was taken to the old Washington house. He spent a few minutes looking at the Washington relics and then departed for Washington.

ANNAPOLIS, Feb. 28.—Prince Henry today visited the Naval Academy and met the cadets under instruction there. At the close of his visit he addressed them in a complimentary speech, expressing his confidence that they would do their duty if their country called. He was accompanied by Secretary Long and a party of distinguished naval officers.

WASHINGTON, Feb. 28.—President Roosevelt was accompanied this afternoon on his horseback ride by Prince Henry. Both went out in a rainstorm. A splendid dinner was given the Prince Henry by the German ambassador. Henry was present at the McKinley memorial services.

CINCINNATI, March 1.—Prince Henry traversed the States of Maryland, Pennsylvania and Ohio today and tonight his special train is speeding through Kentucky into Tennessee. He stopped for receptions at Altoona, Pittsburg, Columbus and Cincinnati. During the run by Portage, Prince Henry entered the cab of the engine.

Another Car Load of the Celebrated Gurney Refrigerators and Ice Boxes

just received per S. S. "Eureka," direct from the factory at Fond du Lac, Wis.

Refrigerators at $10.50 and Upwards.

Ice Boxes at $8.50 and Upwards.

These goods are so well and favorably known that further comment is unnecessary.

We are selling them on the installment plan, with very easy terms.

Call and see the large assortment.

We are showing thirty-three different styles.

Goods delivered to all parts of the city and suburbs free of charge.

W. W. Dimond & Co.
LIMITED.
53-55-57 King Street, Honolulu.

The best at the lowest price at Hopp's.

Chairs
FOR THE
Dining Room

It's a pleasure to look at our handsome stock of dining room furniture. We have some elegant chairs, finished in either oak or mahogany, which we sell singly. If you need a whole outfit our assortment of

Dining Tables

is most complete. We have the chairs above mentioned to match our tables, and have the tables also in oak or mahogany, as you prefer. Our

Side Boards

will match the other furniture and we can fit up the room completely and tastily.

Don't Forget

that our upholstering department is the finest equipped in town. We have just received in this department a large stock of

ODORLESS FEATHERS AND DOWN

for pillows, etc.

J. Hopp & Co.
LEADING FURNITURE
..... DEALERS .....
Corner King and Bethel Sts.

KOMEL
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Pure, delicious, non-alcoholic drink made from the juice of the California Grape Fruit. Try it once and you will always call for it.

Telephone Main 71.

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Heywood Shoe for Men
"Heywood Shoes Wear."

This is one of the shoes we recommend. Two generations have learned that the name HEYWOOD on a shoe is a guarantee of honesty. For all kinds of Footwear call on

$4.50 Buys a Pair.

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1057 FORT STREET.

THE QUEEN OWNS SAND

Titles Extend to Low Water Mark.

(From Wednesday's Daily.)

Neither the Territory nor the United States has title to the lands of Hawaii between high water and low water mark, if it had been conveyed to other parties by persons holding title prior to annexation, is the ruling of the Supreme Court in the case of Territory vs. Lilluokalani and John H. Wilson, as made yesterday. The points decided are of much interest, in that there are similar cases affected.

The Circuit Court, Judge Humphreys, is reversed, the opinion having been written by Judge Gear, acting justice, and concurred in by Justice Galbraith. Justice Perry was also disqualified, and his place had been filled by Thomas Fitch, who also filed a separate concurring opinion, in which he went into the question more fully.

The case at point involved the right of John H. Wilson, who held certain lands at Waikiki, by leases from the ex-queen, to remove sand at low water point. Judge Humphreys sustained the attorney general, overruling a demurrer, and granting an injunction restraining the removal of the sand. His decision is reversed by the Supreme Court, and he is directed to sustain the demurrer and dismiss the bill of complaint.

The syllabus says:

A royal patent issued in 1866 by Kamehameha V to land covered by the mahele of 1848, which describes the seaward boundary line as "along the sea at low water mark" conveys the land lying between high and low water mark.

The resolution of the Privy Council of August 29, 1850, did not have the effect of a law, as the Privy Council had no authority to enact laws.

The words "koe nae ke kuleana o na kanaka," or in their English equivalent therein, "reserving, however, the people's kuleana therein," mean a reservation of the house lots, taro patches or gardens of natives within the boundaries of the land.

The sole question upon which the case hinged, according to the Supreme Court, was whether Kamehameha V had the power to convey the land between high and low water mark. On this point the court says:

"While it is claimed that Kamehameha V was a constitutional monarch, it seems that he was little embarrassed by constitutional restrictions. By his own authority he abrogated the constitution of the kingdom that was adopted by Kamehameha III in 1852, and promulgated a new one to his own liking, August 24, 1864. Such a monarch certanly possessed the usual powers of sovereignty conceded to constitutional rulers, and had the right to convey the land between high and low water mark, to the defendant's grantor."

The court further holds that the Privy Council had no right to enact laws and that the legislative power was in the House of Nobles and the House of Representatives. In concluding its opinion the court says:

The Attorney General further contends that as the royal patent and award contained the words "koe nae ke kuleana o na kanaka," this reserved to the people all the rights below high water mark and not expressly recognized as private rights, and that this reserved all rights excepting the rights to fish and the right to remove coral rock. He states that the King was "authorized by the law and by the land commission award to issue the royal patent reserving, however, the people's kuleana therein. The people's kuleana was the land between high water mark and the low water mark, which Kamehameha had no authority to alienate."

By reference to the statutes of 1745-46, vol. 2, pages 81-94, it will be seen that the grants are to be made "subject to the private rights of the tenants, if there be any on the land," and on page 85, in a definite statement of the public rights to which the grant is subject, showing that the words "koe nae ke kuleana o na kanaka," have no reference to such public rights, but can only have reference to the house lots and taro patches and gardens of tenants living on land within the boundaries of the larger tract granted.

We are of the opinion that the words quoted have a well understood meaning as used in conveyances within this Territory, and that they, as well as the English equivalent "reserving, however, the people's kuleana therein," mean the reservation of the house lots and taro patches or gardens of natives lying within the boundaries of the tract granted.

The order overruling the demurrer of defendants is reversed, and the cause remanded with directions to the trial court to sustain the demurrer and order the bill dismissed.

In the concurring opinion of Mr. Fitch, he says that the right of bathing is not a right recognized by the government, and that there could be no obstruction of navigation by the allowance of such a privilege. He further holds that where lines have not been established by the Secretary of War, the riparian owners' right to reclaim extends to the line of practical navigation.

Internal Revenue Collector Roy Chamberlain began his first prosecution in the Territory yesterday for violation of the revenue laws. Manuel Castanha and his son Frank had been taken into custody by Sheriff Chillingworth on a charge of illicit distilling, and were brought before Judge Dickey for trial.

The case there was, however, nolle prossed, a new charge having been preferred in the meantime before Commissioner Gill, a charge of violating the United States revenue laws. Both men appeared yesterday before Commissioner Gill, and their trial was set for Thursday. Bond was fixed in each case at $1000.

Though this is the first criminal prosecution by internal revenue officials it is by no means the first violation of the law. In past cases there has been a quiet settlement out of court by the payment of the required license and the penalty imposed by statute. The collector has discretionary power in the settlement of violations of the revenue laws. In other cases before the Territorial courts, it generally happened that the defendants had fulfilled the requirements of the United States laws and taken out a license, while in some the evidence was thought to be insufficient for a successful prosecution. It is reported that there are four or five times the number of United States licenses held in the Territory than Territorial licenses. At the Internal Revenue office yesterday it was stated that the arrest meant no change of policy on the part of the department, but that the Federal authorities were always ready to prosecute violators of the internal revenue laws when the evidence was deemed sufficient.

M. E. Lennon, the attorney who served a term in Oahu prison for gross cheat, was disbarred from further practice in the Territorial courts by the Supreme Court yesterday. Attorney General Dole went on the stand and testified to an appeal made to him by Mr. Lennon to save him from disgrace, and promising that he intended to return to the States and become a good citizen of the community, and try to live down his record here. He asked whether or not it would be thought discourteous by the court if he failed to appear, and upon being told that it would not, said he would make no defense. George Sea testified to the service made upon the defendant, and Clerk George Lucas and Police Clerk Zablan testified as to the record in the criminal case. Chief Justice Frear then stated that the motion for disbarment would be granted, and the name of Lennon was ordered stricken from the file of practitioners in the Territory.

The case of Lilli vs. Carthy was argued in the Supreme Court during the day.

Formal notice to advance the Kamalo case on the calendar to March 14th was given yesterday by plaintiffs. Defendants have given notice of motion to strike the cause from the calendar, on the ground that the clerk had not been served with the notice. The matter will be argued in the Supreme Court today.

Deputy Attorney General Cathcart has filed a motion to strike out the bill of exceptions in the case of Territory vs. Ah Moon, on the ground that no notice of the same had been given the Territory.

Chief Justice Frear gave notice yesterday that the Supreme Court would adjourn Thursday for the term.

Another new point was raised before Judge Robinson yesterday in the trial of the case of Territory vs. Chas. Malaia, charged with assault.

Judge Kaulukou, the defendant's attorney, moved to quash the indictment on the ground that the grand jury had no right to consider a misdemeanor, as this is, and which is properly triable before a District magistrate. Mr. Mathewman contended that the grand jury was an arm of the Circuit Court, and that the Circuit Court had the same jurisdiction as did the District magistrate, consequently the indictment was valid. Mr. Douthitt argued that Judge Humphreys had held in a similar case that the grand jury had power to hear misdemeanors, to which statement Mr. Kaulukou hotly objected as being a highly improper attempt to influence the Court's opinion. Judge Robinson took the matter under advisement, holding that while he at first took the defendant's view of the case, he would postpone his decision until this afternoon. As the defendant has three more charges of a more serious character pending against him, his release would be of little value.

TROUBLES OF JURORS.

Crimp McCarthy is being given a second hearing for the assault he is alleged to have committed upon Katie Akai. Extreme difficulty was met in securing a jury, as the twelve men who heard the first case are disqualified, and many of the remaining members of the panel had already heard considerable of the case.

During the examination of jurors Judge Gear held that sleepiness is not a crime, and angered Attorney Bitting greatly thereby. When the name of G. A. Long was called the loungers at the court room door burst into laughter, and the cause for which was not disclosed until Long came into the court room rubbing his eyes. He had been sleeping on a couch just outside the court room, but Bitting thought it was something worse.

SENATOR IS FREED FROM ALIMONY.

Judge Humphreys filed a written decision yesterday denying the motion for a new trial in the divorce case of Susan Kahilina vs. Senator Kahilina, but setting aside the alimony of $1000 previously allowed the wife. The court holds that the wife did contribute to the personal expenses of the household. "This is by no means unusual," says the court. "When the income of the husband is not sufficient to maintain the wife in the style in which she wishes to live, and she makes a contribution to the common fund, she does not thereby acquire the status of a creditor of the husband."

The court further holds that the income of the husband is shown to be about $300 less than that of the wife, and therefore in view of all the circumstances, the decree is modified, and the award of $1000 alimony to the wife is set aside.

COURT NOTES.

Appeals were filed from the District Court yesterday in the following cases: Harris Bros. & Co. vs. Tam Pong, Lepeka Ageau vs. Gus Cordes, Kong Shui vs. T. J. Fitzpatrick, and Lewers & Cooke vs. J. W. Redhouse.

A. S. Mahaulu was yesterday licensed by Judge Humphreys to practice in the District Courts of the Territory.

Pursuing his former policy in regard to trust investments in plantation bonds, Judge Humphreys yesterday morning sent out demands by letter for reports from the trustees of the Bishop Museum, the C. R. Bishop trust, and the estate of B. P. Bishop. The following is a copy of the form of letters:

"The Circuit Court, Honolulu, March 13, 1902.

"Messrs. S. M. Damon, W. F. Allen, W. [illegible] and A. S. Clarke, trustees of the [illegible] Hawaiian Bishop Museum [illegible], T. H.

"Gentlemen:—The records of this court show that your last account as trustees of what is known as the Bernice Pauahi Bishop Museum Trust was filed in this court on December 16th, 1901, covering the year ending with October 12th, 1901. You are hereby directed to file your account as trustee of said trust for the year ending October 12th, 1901, immediately.

"Very respectfully,

"A. S. HUMPHREYS,

"First Judge."

The annual accounts of the trustees under the will of the late Bernice P. Bishop were filed for the year ending June 30th, yesterday afternoon, showing the total receipts for the year to have been $285,040.88 and the disbursements $255,907.48, leaving a balance for the year of $29,133.40. The report shows investments in the bonds looked down upon by Humphreys.

Accompanying the financial statement are reports of the various principals of the Kamehameha schools, which were endowed by the deceased.

The trustees report having continued filling in the swamp lands of the estate and speak also of the contemplated erection of a wharf at Kakaako. A report is made also of fencing lands for the preservation of the forests. Forest fires have damaged the properties of the estate at Kohala, Hawaii. There is a report also of the investigations of Engineer Tuttle into the water conditions of Waipio and Honokane valleys on Hawaii. The cost of running the Kamehameha Schools for the year was $113,250, slightly in excess of the amount spent the previous year. Of this amount $57,178 is credited to permanent improvements. The list of investments of the estate shows $6000 in Oahu Railway bonds and $41,850 of this amount is in McBryde Sugar Company bonds.

Charles Dyke, principal of the Kamehameha Schools, made a lengthy report upon that school. He speaks of the success of the plan of concentrating the business offices, and says that two hundred dollars a month has been saved by that method. The total registration for the period was 145. The military organization is commended, as well as the work of the band, and the success of the athletic features now introduced is pointed out. The religious part of the education of the boys has not been neglected, and this instruction is also highly commended. The work in the manual training department was highly satisfactory, as it was also in agricultural department. The principal suggests also that the water supply is insufficient, and there is great danger from fire, recommending that electric lights be installed.

Miss Alice Knapp, principal of the preparatory department, submits a carefully prepared report upon that branch of work.

Miss Ida M. Pope, principal of the School for Girls, reports that there is a demand for trained teachers and for nurses among Hawaiian women, and suggests that opportunity should be offered Hawaiian girls to become trained nurses, as some among them have a special aptitude for this work. Larger school equipment is also needed.

An inventory of the estate is filed with the report, showing the property to consist almost exclusively of real estate on every island of the group. There is a cash balance on hand of $29,133.40 reported.

FITS IN WITH HIS HOME PLACE

Through negotiations which were closed yesterday prior to the departure of the Kinau, the Young Hee Ranch of Maui passed into the possession of W. H. Cornwell. The transaction includes something like 6000 acres of land, there being reserved from sale about 1000 acres of corn and potato lands, which are the best of the arable portions of the estate.

The grazing lands, the timber and all the animals on the property are included in the transaction, and while the price is kept secret, the figures will be close to $20,000 for the land transferred. The estate which is added to the ranches of Col. Cornwell adjoins the grazing lands which were under his control, and extends his fields until they adjoin those of the Ulupalakua ranch.

The lands which are embraced in the Young Hee ranch are those of the ahupuaa of Koanoulu, and as well one and one-half shares in the Sniffen estate. The major portion of the ranch is fine grazing lands, but there is enough timber on the tract to make that feature of sufficient value to be considered. The lands adjoin the Kihei plantation, and extend up to the mountain, giving all the water necessary for stock which range the piece.

The purchase of the Young Hee ranch by Col. Cornwell carries out a plan which has been in his mind for several years. In fact some three years ago Col. Cornwell made a trip to China for the sole purpose of buying the ranch. He and Young Hee passed on the way and when the latter arrived here the ranch was purchased by Gear & Lansing, the price being $55,000. There were a number of propositions which the owners tried to put through with reference to this ranch. At one time there was a proposal to form a great ranch, making the Young Hee holding the nucleus, which would embrace the Cornwell ranches, the Ulupalakua, the Kahikinui and the Haleakala estates.

The ranch was managed by Gear & Lansing and passed into the hands of the trustees of the firm last year. The negotiations were carried on by Messrs. Henry Waterhouse & Company for Col. Cornwell, and A. V. Gear and T. F. Lansing went down in the Kinau yesterday, followed by Col. Cornwell in the Claudine, to survey the reserved lands, and to transfer the main portion of the estate later.

The grand jury will probably make its final report to Judge Gear today or tomorrow. The jurymen have been investigating the saloons and Iwilei at night, without the aid of Bailiff Ney, and that gentleman feels very much aggrieved at the slight.

KONA MILL NOW READY

Could Be Grinding Next Week if Necessary

(From Wednesday's daily.)

Information from Kona yesterday, by the Mauna Loa, tells of progress in the mill and the general work of the Kona plantation, but the indications are that there must be some action soon if the estate is to be saved. The workmen are all there and anxious to work, but they will not be able to long hold out if their supplies are stopped.

Letters from Manager Cowan tell of the receipt of the orders from the receiver, and the fact that under that order there may be drawn for supplying the wants of 12 men employed in caring for the live stock only. The work on the fitting of the mill for the taking off of the cane this year, has progressed so well that if the cane could be cut and transported the mill could be worked next week. The men are said to be holding on so that they may be able to participate in any harvesting of the cane. Some of the workmen on the various small contracts have had no money for the past seven months, and they are anxious to see something in the way of cash.

The workmen on the plantation directly and indirectly number 1500, and are of opinion that they will be given some chance to save the cane they have grown, and so have refused to leave for other estates.

There were more meetings of the shareholders yesterday, and the chances are that there will be something definite known before the next sailing of the Mauna Loa. There is some talk of a settlement of the receiver's claims and an agreement to a trusteeship, which would have the effect of a receivership, if there are no claims left outside the agreement. There were any number of persons seen yesterday by the managing shareholders, but there has been no direct offer of the money to carry on the work until the sugar is being sent forward.

While the situation is good, there seems to be no disposition to undertake new things on the part of old sugar houses, and the situation remains without material change.

A gentleman who has just returned from Kona says that unless the officials in Honolulu are in a position to act with these men, supply them with food, they will soon be entirely out of supplies, and will have no means of obtaining any. The small storekeepers among the Japanese have about exhausted their supplies and credit on account of the condition of the sugar company's affairs.

"The Japanese are patient," he said, "and al lthey are asking is that they be supplied with provisions until money can be raised. What hungry workmen might do to obtain food for themselves and their wives and children, is a great guess."

HAVING A RUN ON CHAMBERLAIN'S COUGH REMEDY.

Between the hours of 11 o'clock a. m., and closing time at night on January 25, 1901, A. F. Clark, druggist, Glade Springs, Va., U. S. A., sold twelve bottles of Chamberlain's Cough Remedy. He says, "I never handled a medicine that sold better or gave better satisfaction to my customers." This remedy has been in general use in Virginia for many years, and the people there are well acquainted with its excellent qualities. Many of them have testified to the remarkable cures which it has effected. When you need a good, reliable medicine for a cough or cold, or attack of grip, use Chamberlain's Cough Remedy, and you are certain to be more than pleased with the quick cure which it affords. For sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for H. I.

The Rapid Transit Company is considering the use of oil for fuel.

LOSING FLESH.

Are you losing flesh? If so, better consult your doctor at once. He will tell you the cause. We can provide the remedy, which is Scott's Emulsion of cod-liver oil.

We have known persons to gain a pound a day, by taking an ounce of the Emulsion.

A young woman in Batavia writes us she had lost twenty-five pounds in three months, and her lungs were seriously affected. She took three bottles of Scott's Emulsion and gained fifteen pounds, and was able to resume her work

It will cure consumption in the early stages. It is a remarkable flesh producer.

Send for Free Sample

SCOTT & BOWNE, Chemists, 409 Pearl St., N. Y.

Double Bill in Campaigning.

LOUISVILLE, Ky., March 5.—Miss Lotta Greenup, of Paducah, Ky., has taken to the stump with her father in his campaign for the democratic nomination for member of Congress from this district. Mr. Greenup is a music dealer, and Miss Lotta an accomplished musician. During her father's tours of the district she plays the violin and sings before the audiences which he addresses. The South has seen nothing like it since Bob Taylor's fiddling tour of Tennessee. The double bill is drawing big crowds everywhere.

Etruria Lost Propeller

NEW YORK, March 4.—The Etruria lost her propeller in midocean, according to a report sent to the World by a representative on board. An attempt is being made to tow the Cunard liner to the Azores by the steamer William Cliff.

IT'S INDISPUTABLE.

Because It's in Honolulu and Can Be Investigated

Like all statements which have preceded this and like all which will follow, the party interested is a citizen. In a city of about 25,000 people it is hard to hide the doings of your neighbors. It is an easy matter to find the residence of Mr. Metcalf. The reader has not to sit down after he peruses this statement, which follows, and wonder—as he would wonder were this case in San Francisco—if the facts can be credited. He has not to ask "Are they genuine?" The man is here at home. Honolulu proof should convince. Read this:

Mr. F. Metcalf of this city gives us the following information: "I was afflicted with a painful feeling in my back for over five years. The various remedies resorted to did me no good, until, falling in with the advice of a friend (Mr. W. J. Maxwell) I procured at the Hollister Drug Co.'s some of Doan's Backache Kidney Pills. I had hardly finished taking them when the pain left me altogether, and I now feel that I have been completely cured of the terrible suffering I underwent formerly. By keeping a box of the pills in the house I am fortified against any possible return of my complaint at future times. It seems almost miraculous that the pains should have vanished so speedily. All sufferers from backache should get some of Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are sold by all druggists at 50 cents a box, six boxes $2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

Clarke's Blood Mixture

THE WORLD-FAMED BLOOD PURIFIER AND RESTORER, IS WARRANTED TO CLEAR THE BLOOD from all impurities from whatever cause arising.

For Scrofula, Scurvy, Eczema, Skin and Blood Diseases, Blackheads, Pimples and Sores of all kinds, it is a never failing and permanent cure. It

Cures Old Sores.
Cures Sores on the Neck.
Cures Sore Legs.
Cures Blackhead or Pimples on the Face.
Cures Scurvy.
Cures Ulcers.
Cures Blood and Skin Diseases.
Cures Glandular Swellings.
Clears the Blood from all impure matter, From whatever cause arising.
It is a real specific for Gout and Rheumatic pains.
It removes the cause from the Blood and Bones.

As this Mixture is pleasant to the taste, and warranted free from anything injurious to the most delicate constitution of either sex, the Proprietors solicit sufferers to give it a trial to test its value.

THOUSANDS OF TESTIMONIALS OF WONDERFUL CURES FROM ALL PARTS OF THE WORLD.

Clarke's Blood Mixture is sold in bottles, 2s 9d each, and in cases containing six times the quantity, 11s—sufficient to effect a permanent cure in the great majority of long-standing cases—By ALL CHEMIST and PATENT MEDICINE VENDORS throughout the world. Proprietors, THE LINCOLN AND MIDLAND COUNTIES DRUG COMPANY, Lincoln, England. Trade mark—"BLOOD MIXTURE."

CLARKE'S BLOOD MIXTURE.

CAUTION.—Purchasers of Clarke's Clarke's Blood Mixture should see that they get the genuine article. Worthless imitations and substitutes are sometimes palmed off by unprincipled vendors. The words, "Lincoln and Midland Counties Drug Company, Lincoln, England," are engraved on the Government stamp, and "Clarke's World Famed Blood Mixture" blown in the bottle, WITHOUT WHICH NONE ARE GENUINE.

INSURANCE

Theo. H. Davies & Co.
(Limited.)
AGENTS FOR FIRE, LIFE AND MARINE INSURANCE.

Northern Assurance Company
OF LONDON, FOR FIRE AND LIFE. Established 1836.
Accumulated Funds .... £3,975,000.

British and Foreign Marine Ins. Co
OF LIVERPOOL, FOR MARINE.
Capital £1,000,000

Reduction of Rates.
Immediate Payment of Claims.

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Castle & Cooke, Ltd.
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Commission Merchants.
SUGAR FACTORS.
—AGENTS FOR—
The Ewa Plantation Co.
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The Kohala Sugar Co.
The Waimea Sugar Mill Co.
The Fulton Iron Works, St. Louis, Mo.
The Standard Oil Co.
The George F. Blake Steam Pump.
Weston's Centrifugals.
The New England Mutual Life Insurance Co. of Boston.
The Aetna Fire Insurance Co. of Hartford, Conn.
The Alliance Assurance Co. of London.

ARRIVAL OF THE "CORONADO"

A FRESH SUPPLY OF

"Diamond Head" Brand Gasoline
DISTILLATE IN DRUMS

Special Sale for two weeks of GARDEN HOSE - - - Our Hose is of the best quality and guaranteed to give satisfaction.

New and Staple Goods Just Received

Pacific Hardware Co., Ltd.
Fort, Bethel and Merchant Sts, Honolulu.

Have you seen our Rat Traps?

Hawaiian Gazette.

Entered at the Postoffice of Honolulu, H. T., Second-class Matter.

SEMI-WEEKLY.
ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

SUBSCRIPTION RATES:

Per Month	$ .50
Per Month, Foreign	.75
Per Year	5.00
Per Year, Foreign	6.00

—Payable Invariably in Advance.—

A. W. PEARSON, Manager

FRIDAY, MARCH 14

Mr. Bryan is building a fine house at Lincoln, Neb. Evidently he expects to stay there.

Irrigation dams would have a hard time standing the strain in a region where seven feet of water falls in six days.

George Carter is in no great hurry, apparently, to reach Washington, and most of his critics here seem to be in no hurry to have him.

The liberty of the press, constitutionally guaranteed, and used in the furtherance of just laws and good government, must and shall be preserved.

The weather this week is as fine as the weather last week was bad. It is remarkable how fast the soil dries out and seems, despite its recent drenching, to invite more moisture.

Lawyer Davis ran at the mouth yesterday over the liberties taken by the press with the courts. For a wonder he made his points without impertinent reference to "one A. Perry," justice of the Supreme Court.

Uncle Sam will now try his detective skill upon the illicit distiller. As he has sharp eyes and a long arm, and is backed by drastic laws, the lot of the swipes maker and the okolehao man will not be a happy one.

The San Francisco Chamber of Commerce favors a private cable to Hawaii, and well it may. The private cable is ready to build. As for a public cable, it may be as long in coming as the Nicaragua canal.

It appears from Bishop Willis' open letter, published elsewhere, that the American House of Bishops asked for his resignation. This news was withheld from the press at the time. It is of a character to increase the hope that after April 1st a way will be found to remove the last vestige of the Anglican bequest of trouble and enable the great majority of the Episcopalians here to worship without unpleasant reminders of a dark past.

The fight of the press for freedom of utterance began before the time of Judge Jeffries in the earliest days of type. It has been won over and over again, and its victory is incorporated in the organic law of this republic, article 1 of the amendments saying, "Congress shall make no law abridging the freedom of speech or of the press." That is the spirit of republican institutions, and by living up to the opportunities it gives an honest and fearless press has helped preserve all the institutions of liberty.

The decision not to give any more special flat rates would seem to indicate that, in the recent past, the electric light company has been playing favorites. A letter which lately came to our notice, stopped a special rate which was under $4 and, by applying the legal flat rate, raised it to over $8. The equalization of the scale of payment, which is now ordered, is fair to consumers, although it achieves no saving to those who have been paying all the traffic would bear. Their consolation is that others will have to do the same.

The attempt to convince the Governor that an extra session is needed to insure the repair of storm damages on Hawaii, is worthy of its source. How the Home Rule Legislature, with a kahuna bill yet to pass, with the act to repeal the quarantine laws of the United States still on the calendar, and with the fire claims to pay, could find time and money to apply to the problem of road building in Hawaii, is a puzzling question. Probably, if the Legislature did anything in the matter, it would be to pass a county bill giving Hawaii the chance to mend its own highways out of such moneys as a local Home Rule road board might wish to spare from its salaries and perquisites.

CONTEMPT OF COURT.

One of the crying evils of the day, in the United States, is the uncertainty of the punishment of crime. The growing tendency of the courts to release undoubted violators of law on technicalities so flimsy as to be incomprehensible to the intelligent lay mind, has brought the administration of justice into such disrepute that in certain portions thereof the people no longer expect that an admitted criminal will be punished, provided he has money enough to pay lawyers. This uncertainty—or rather, the almost certainty—that the violator of law will not be punished, or will be inadequately punished, is more responsible for mob law and lawlessness than any other one thing. When people can not be sure that the courts will enforce the law, the inevitable tendency is toward taking the law into their own hands.

Until recently Hawaii has known but little of this kind of justice. The criminal side of the court has been prompt, reasonably certain, and technicalities have been little favored. Since the incumbency of Judges Humphreys and Gear, however, the judges of the Territorial First Circuit, all this has been changed. Scores of men who have undeniably committed crimes have been released on mere technicalities. Included in the list are murderers, burglars, and men who have committed many other crimes and misdemeanors. Some of the cases may have been properly dismissed. They probably were; but the frequency of the technical defenses sustained in the First Circuit Court has become alarming and a distinct menace to the orderly conduct of public justice.

The Advertiser has noted this tendency with concern, and has felt in duty bound to call public notice thereto, both pictorially and by letter press.

The latest case of the kind to come to the attention of this paper was that of one McCarthy, who was charged with having severely beaten and bitten his wife. He was tried and convicted thereof, by a jury. After conviction he was released by Judge Gear on technical reasoning that appealed to this journal to be utterly unjustified. This course we believe to be against law, and calculated to bring the administration of justice into contempt and disrepute. In the exercise of the functions of an independent public journal, this belief was expressed in a cartoon portraying Judge Gear bestowing a blessing upon a man in the act of biting a woman's ear.

This cartoon was decided upon immediately after the decision of Judge Gear, and orders were then given for its production. The publication was delayed for lack of space until Wednesday morning last. For this publication the editor of this paper has been cited for contempt of court and sentenced by Judge Gear to thirty days' imprisonment in Oahu jail, upon the ground that it is disrespectful to him, and also because it relates to a matter now pending.

As a matter of fact, the prosecuting authorities brought another charge against McCarthy, involving the same acts on his part, after he was discharged by Judge Gear. Although the court notes of the paper referred to this, the pendency of this new charge was unknown to the editor of this paper at the time of the publication of the cartoon in question, the matter not having been drawn to his notice.

The Advertiser understands the correct interpretation of the law of contempt of court in Hawaii to be, that no publication in a newspaper, of any proceedings of a court, or of any criticism or comment thereon is contempt of court. Nevertheless, had the editor known of the pendency of this new charge, based on the same state of facts, he would have withheld the publication of this cartoon until the same was disposed of. As it is, he is advised by legal counsel, and claims that the publication of the cartoon in question does not constitute contempt of court. A writ of habeas corpus has been issued by the Supreme Court, which will bring the whole question up for review before that tribunal. Meanwhile, Mr. Smith has been released from custody on bail.

WORLD AMERICANIZATION.

William T. Stead, an editor who says things without much regard to conventional opinion at home, is telling England that she must become a part of "the United States of the English-speaking world," or dwindle to another Belgium. In an article on "The Americanization of the World," he says:

"The advent of the United States of America as the greatest of world-powers is the greatest political, social, and commercial phenomenon of our times. It is only when we look at the manifold manifestations of the exuberant energy of the United States, and the world-wide influence which they are exerting upon the world in general, and the British empire in particular, that we realize how comparatively insignificant are all the other events of our time."

After a rapid survey of the strides American ideals have made in every department of science, art and religion the world over, Mr. Stead answers the question, "What is the secret of American success?" in part as follows:

"American success may be explained in many ways. A young and vigorous race has been let loose among the incalculable treasures of a virgin continent. Into that race there has been poured in lavish profusion the vital energies of many other races chosen by a process of natural selection which eliminated the weaker, the more timid, the less adventurous spirits. This great amalgam of heterogeneous energies constitutes a new composite race, which found itself free to face all the problems of the universe without any of the restraints of prejudices, traditions, or old-established institutions which encumber the nations of the Old World. Americans had no swaddling clothes to cast. They sprang into life like Minerva from the brain of Jove without any need to rid themselves of the garments of infancy. They had also the immense advantage of an atmosphere which in many parts of the continent was a perpetual exhilaration. All these causes contribute to American success. They belong to the Americans as an inalienable possession, nor can we by any possibility hope to share them. They are as inseparable from the continent of America as the Falls of Niagara or the Mississippi Valley."

The writer further discovers three American secrets which he deems capable of profitable export to England. He enumerates them as education, increased incentives to production, and democracy. In each of these respects America surpasses England, the latter taking the lead only in municipal government. These considerations bring Mr. Stead to his proposed merging of the two great branches of the English-speaking race. He says:

"There lies before the people of Great Britain a choice of two alternatives. If they decide to merge the existence of the British empire in the United States of the English-speaking world, they may continue for all time to be an integral part of the greatest of all world powers, supreme on sea and unassailable on land, permanently delivered from all fear of hostile attack, and capable of wielding irresistible influence in all parts of this planet. That is one alternative. The other is the acceptance of our supersession by the United States as the center of gravity in the English-speaking world, the loss one by one of our great colonies, and our ultimate reduction to the status of an English speaking Belgium.

"One or the other it must be. Which shall it be? Seldom has a more momentous choice been presented to the citizens of any country. It is natural that British pride should revolt at the conclusion which is thus presented as the result of a rapid survey of the forces governing the present political and financial and industrial situation. But pride and prejudice are evil counselors. The question is not what we would best like to do, but what is the best course possible in the circumstances? If it is admitted that the whole trend of our time is toward the unification of races of a common stock and common language; if it is further admitted that such unification would carry with it incalculable advantages in securing the English speaking nations from all danger either of a fratricidal conflict or of foreign attack, while enormously improving both their prosperity at home and the influence which they can exercise abroad, it is difficult to resist the conclusion that the object is one well worthy of being made the ultimate goal of the statesmen both of the United States and of the United Kingdom. * * *

"The subject is not one upon which politicians are likely to talk. Any utterance in favor of coming together under the American flag could so easily be misrepresented by a political opponent as an act of treason to the Union Jack that men whose horizon is limited to the best general interests have fully refrain from expressing any opinion on the subject. [illegible] This is an ideal splendid enough to fascinate the imagination of all men, especially of those who have proved susceptible to the fascination of imperial federation.

LOCAL BREVITIES.

(From Wednesday's daily.)

The 1902 baseball league is formed. C. F. Chillingworth is president, and Lorrin Andrews, secretary and treasurer.

The Hawaiian Fiber Company is considering plans for the erection of a mill to manufacture the sisal into fiber.

The Tramways tracks on Nuuanu street have been connected and the switch laid, so that cars now make the trip clean through.

The Peru on this run inaugurates the monthly service to Manila, which the Pacific Mail, Oriental and Occidental Company and Toyo Kisen Kaisha will maintain.

The board of directors of the Rapid Transit and Land Company have authorized a contract with the Union Oil Company of San Francisco for fuel oil for use at the power house of the company.

Mrs. Russel, wife of Senator Dr. Nicholas Russel, of Olaa, is among the recent arrivals from Hawaii. Mrs. Russel will be the guest of Mr. and Mrs. Fred Whitney, King street, during her stay in Honolulu.

Engineer Gere, acting assistant superintendent of Public Works, departed yesterday for the Island of Hawaii, to begin an investigation of the repairs needed by reason of the damage done by the recent heavy rains. The most imperative improvements will be made at once.

For the first time in months the news of the outer world came via Japan. The Sonoma, the last mail vessel to arrive here, brought newspaper files dated February 28. The Peking had on board Yokohama papers of March 1, containing foreign dispatches of the previous day.

T. F. Sedgwick, assistant director of the Agricultural Station, departed yesterday for Maui, where he will remain for two weeks to conduct a series of potato experiments. He took along the forty-five varieties of seed potatoes, and all will be planted at Kula, where their growth will be constantly observed. A study of potato blight will be particularly made.

(From Thursday's daily.)

Capt. D. H. Ward, formerly master of the schooner Rosamond, is a through passenger on the Peru, for Manila.

The Hyades will leave Kahului for San Francisco next Saturday, and will leave the Coast for Honolulu on April 5th.

Governor Dole paid a visit to the Lualualei lands, near Waianae, yesterday. The land is to be thrown open to settlement.

In future the vessels of the Canadian-Australian line will maintain a service to the Fiji Islands. The Aorangi inaugurated the service by touching at Suva.

A. H. Geffeney, who has been well known in San Francisco as a Japanese interpreter, arrived here yesterday in the Peru, to take the position of Japanese interpreter with the local United States Immigration Bureau.

Henry Devoll, the kamaaina who was crushed on Tuesday while moving his house, situated near the marine railway, succumbed to his injuries in the Queen's Hospital yesterday. He was 85 years old.

The Noeau, which arrived from Hilo, Honokaa and Kukuihaele yesterday morning, was detained in Hilo harbor from March 1 to March 10, on account of the bad weather outside. Captain Peterson reported the worst weather in his experience along the coasts of Hawaii.

Last night Ah Sing and Ah Cheong became involved in a dispute over cards in a house near the Chinese Theater, and the former hit Ah Cheong over the head with a hammer, inflicting a nasty wound which was dressed at the Queen's Hospital. Both men are under arrest.

Marston Campbell, accompanied by Mrs. Campbell and Master Campbell, returned on the Peru from San Francisco. Mr. Campbell paid a visit of ten days to his aged father. He says that when he left San Francisco, Hawaii had received nothing in the appropriation measures passed by Congress.

A riot call took a hack full of officers to the corner of Vineyard and River streets yesterday afternoon. It was found that Kimamoto, a Japanese had tanked up on sake and become obstreperous, whereupon a party of his countrymen had trussed him up and sat and watched him squeal. Kimamoto was charged with drunkenness.

The Alameda was quarantined on her arrival in San Francisco, and was sent to Angel Island. She had hides as part of her cargo, and the San Francisco quarantine officials insisted on fumigating the freight of the vessel. The passengers were transferred to the wharf by a tender. The Alameda arrived shortly before the Peru sailed.

When the steamer Iwalani returned from Kauai yesterday she was minus a sailor named Kipi, who left the vessel on Saturday night and the next morning was found dead on the beach at Waimea. When last seen by his mates Kipi was very drunk. The authorities suspect foul play but there is a possibility of Kipi having attempted to swim out to the Iwalani and being drowned.

A reward, probably of $500, will, it was stated last night, be offered today for information which will tend to clear up the mystery of the unknown man whose body was found floating in the harbor, and bring to justice his killer, if murder has been done. There is still a reward of $500 offered for information which will lead to the conviction of the man who killed Herman Lubeck last December.

There was no session of the Executive Council yesterday.

Arthur Wyman, late steward of the Pacific Club, entered yesterday upon his new duties as steward of the Hawaiian Hotel.

The grand jury reported four indictments yesterday, and ignored four cases. A final report will probably be made today, as the term ends tomorrow.

Hugh McIntyre is expected home in the Alameda this evening.

Judge Little got away quietly on the Peking for San Francisco, whence he will journey on to his old home in Pennsylvania and incidentally take a side trip to Washington.

The recruiting officer at Camp McKinley is said to be improving an opportunity for filling up the ranks there by securing recruits among the discharged soldiers on the [illegible].

Princess Kawananakoa has sent out invitations for a dinner and dance at the Moana Hotel on Monday evening, March 17th, in honor of Miss Campbell. Cards have been issued also for a reception at Pualeilani on Tuesday next from 3:30 to 6 o'clock.

Judge Estee heard the arguments in the A. J. Fuller libel yesterday, and took the case under advisement. He intimated that he would allow the sailors some damages, and said he did not believe a captain had any right to give his crew the alternative of working or starving.

Commissioner Gill yesterday started the hearing of Manuel Castanha and his son Frank on a charge of violating the internal revenue laws of the United States. The apparatus used in distilling the liquor was introduced in court, and one witness was heard. The hearing was continued until this afternoon at 1 o'clock.

Ground is being broken at the corner of Merchant and Alakea streets, back of the Occidental Hotel, for the erection of a two-story building, to occupy 72 by 35 feet of ground space. The material used in its construction will be Island blue-gray stone. The corner has been vacant since the early part of 1900, when the old buildings there were burned during the plague.

SOME LOCAL ITEMS.

(From Wednesday's daily.)

S. E. Damon has been chosen referee of the Saturday polo match for the benefit of the McKinley memorial fund. The teams are practicing each afternoon, and if the game comes up to standard shown at some of the late practice games there will be fine sport for the crowds which are assured for the game. Tickets have been placed on sale, and there will be a supply at all the leading stores.

Mrs. J. C. Evans, wife of the capitalist J. C. Evans, who has been interested in real estate and other ventures here for the past four years, died very suddenly at her home, the old McCully homestead, yesterday afternoon. Mrs. Evans has suffered severely from kidney disease upon several occasions in the past, and the attack which ended fatally was first severe on Saturday last. At 1 o'clock yesterday afternoon uraemic poisoning developed, and Mrs. Evans passed into convulsions. Her physicians, Messrs. Herbert and Humphris, were in attendance, but she did not rally, and died in a convulsion at ten minutes past 5 o'clock.

"Camp Warren" was deserted yesterday afternoon by the troops of the Fifteenth Infantry who have occupied tents on the parade ground at the drill shed for the past few days. After sampling the delights and sorrows of tent life for the brief period and obtaining just the glimmering of what is before them in the Philippines, the troops were ordered yesterday morning to pack up their knapsacks, haversacks, blankets and trinkets, and prepare for the return to the transport, which is now said to be in fairly good trim for the resumption of the voyage to Manila.

(From Thursday's daily.)

Local courts will not be called upon to take a hand in the differences of the First National Bank unless that is the last resort. The first appeal of the mainland people is on the way to the Comptroller of the Currency at Washington, and upon his decision will rest a conclusion as to the rights of all concerned.

One of the passengers in the Peking yesterday was W. T. Summers, who has been here for the past month, the representative in part of the Anglo-Californian Bank, the man who was slated for the cashiership, in the event of the success of the San Francisco people securing representation in the management of the affairs of the institution. It was rumored yesterday that Mr. Summers had in his pocket a statement of the case prepared by the attorneys of the protesting stockholders, which he will carry on to Washington, and present to the officials of the Treasury Department.

There is some gossip on the streets that Judge A. S. Humphreys has made overtures to members of each faction in the affairs of the bank, offering the votes which he controls under proxy from Mrs. Afong, in return for a promise that he is to be made a director of the bank. It is understood that the holdings of each side are so nearly even that the shares in Humphreys' control constitute a balance of power, and that the jurist is anxious to secure advantage of his holdings, even if they are in his possession only through a proxy.

Neither side will make any statements concerning their position, and it is understood that there will be no move until there has been some return from the Capital. Mr. Summers is not expected to return for six weeks.

The steamship Aorangi arrived from Sydney and Brisbane early yesterday morning. On account of the plague in Sydney she was quarantined, and dropped her anchors in the stream. She would have gone to the channel wharf had not the City of Peking been discharging there. The Aorangi brought three passengers for Honolulu, who were allowed to land after their baggage had been fumigated. Through cabin passengers were allowed to go ashore, but no one was allowed to board the vessel. The Aorangi left Sydney on February 24. Up to the time of the steamship's departure there had been 26 cases of bubonic plague, with nine deaths. At Brisbane on February 26, there had been eight cases of plague and three deaths.

Object to Sale of Islands.

COPENHAGEN, March 5.—New petitions are being circulated by the opponents to the cession of the Danish West Indies to the United States for presentation to the Rigsdag. They probably will have no effect.

Itching Skin

Distress by day and night—

That's the complaint of those who are so unfortunate as to be afflicted with eczema or salt rheum—and outward applications do not cure. They can't.

The source of the trouble is in the blood—make that pure and this scaling, burning, itching skin disease will disappear.

"I was taken with an itching on my arms which proved very disagreeable. I concluded it was salt rheum and bought a bottle of Hood's Sarsaparilla. In two days after I began taking it I felt better and it was not long before I was cured. Have never had any skin disease since." MRS. IDA E. WARD, Cove Point, Md.

Hood's Sarsaparilla and Pills

Rid the blood of all impurities and cure all eruptions. Take them.

BUSINESS CARDS.

LYLE A. DICKEY.—Attorney at Law and Notary Public, P. O. box 786. Honolulu, H. I., King and Bethel Sts.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, F. J. Lowrey, C. M. Cooke.)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Machinery of every decrition made to order.

CANADIAN PACIFIC RAILWAY

The Famous Tourist Route of the World.

In Connection With the Canadian-Australian Steamship Line Tickets are Issued

To All Points in the United States and Canada, via Victoria and Vancouver.

MOUNTAIN RESORTS: Banff, Glacier, Mount Stephens and Fraser Canon.

Empress Line of Steamers from Vancouver.

Tickets to All Points in Japan, China, India and Around the World.

For tickets and general information apply to

THEO. H. DAVIES & CO., LTD.

Agents Canadian-Australian S. S. Line, Canadian Pacific Railway.

TRANS-ATLANTIC FIRE INS. CO OF HAMBURG.

Capital of the Company and reserve, reichsmarks	6,000,000
Capital their reinsurance companies	101,650,000
Total reichsmarks	107,650,000

North German Fire Insurance Co OF HAMBURG.

Capital of the Company and reserve, reichsmarks	8,830,000
Capital their reinsurance companies	35,000,000
Total reichsmarks	43,830,000

The undersigned, general agents of the above two companies, for the Hawaiian Islands, are prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, etc.; also Sugar and Rice Mills, and Vessels in the harbor, against loss or damage by fire on the most favorable terms.

H. HACKFELD & CO., Limited

The Elgin

WORLD'S STANDARD FOR TIME KEEPING.

Should be in the pocket of every wearer of a Watch.

Many years' handling of Watches convinces us, that price considered, the Elgin is the most satisfactory of American Watches.

Cased in

Nickle, Silver, Gold Filled and Solid Gold.

We have a full line and sell them at right prices.

ELGINS reach us right.

ELGINS reach you right.

Elgins stand for what is right in time keeping and lasting qualities, and that is why we are right in pushing the Elgin Watch.

H. F. WICHMAN

BOX 342.

LONDON, Feb. 28.—Lord Rosebery has sanctioned the formation of a Liberal League, of which he himself is president, and Mr. H. Asquith, Sir Henry Fowler and Sir Edward Grey are vice presidents. The principle of the league is co-operation with the Liberal party on the lines of the Chesterfield policy. It is thought that this is not a seceding party.

Hamburg-Bremen Fire Insurance Co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of

F. A. SCHAEFER & CO., Agts.

German Lloyd Marine Insurance Co OF BERLIN.

Fortuna General Insurance Co OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for Sea, River and Land Transport, of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

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THE ONLY REMEDY

known to positively stop the hair falling out.

IT CURES

Dandruff, Baldness, and All Diseases of the Scalp, by destroying the microbe or parasite which causes all

SCALP DISEASES

Pints and Quarts

FRESH SUPPLY JUST RECEIVED.

HOLLISTER DRUG CO

SOLE AGENTS.

—HERPICIDE—HERPICIDE

The Bank of Hawaii LIMITED.

Incorporated Under the Laws of the Republic of Hawaii.

CAPITAL $600,000.00

OFFICERS AND DIRECTORS.

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P. C. Jones	Vice President
C. H. Cooke	Cashier
F. C. Atherton	Assistant Cashier

Directors—Henry Waterhouse, Tom May, F. W. Macfarlane, E. D. Tenney, J. A. McCandless.

Solicits the Accounts of Firms, Corporations, Trusts, Individuals, and will promptly and carefully attend to all business connected with banking entrusted to it. Sell and Purchase Foreign Exchange, Issue Letters of Credit.

SAVINGS DEPARTMENT.

Ordinary and Term Deposits received and interest allowed in accordance with rules and conditions printed in pass books, copies of which may be had on application.

Judd Building, Fort Street.

CLARKE'S B 41 PILLS Are warranted to cure Gravel, Pains in the back, and all kindred complaints, Free from Mercury. Established upwards of 30 years. In boxes 4s. 6d. each, of all Chemists and Patent Medicine Vendors throughout the World. Proprietors, The Lincoln and Midland Counties Drug Company, Lincoln, England.

HUMPHREYS FINDS SMITH GUILTY OF CONTEMPT

(Continued from page 1.)

1888, see chapter 41, Laws of 1888, which provides, section 1, that "the publication of the proceedings before any court or judge shall not be deemed to be contempt, nor shall such publication be punishable for contempt." Section 2, "Constructive contempts shall not be punishable as such."

We are of the opinion that section 1 and section 2 of the Act of 1888 must be construed together under the familiar principle of law that statutes in pari materia must be construed as a whole. The constructive contempts which are declared not to be punishable as such in section 2 of the Act of 1888 manifestly refers to section 1 of the same act, which declares that the publication of the proceedings before any court shall not be punishable as contempt.

The right then to publish proceedings of a court—truthful and fair proceedings—the truthful and fair report of the proceedings of the court, substantially accurate reports, is a right which is expressly given to the citizen by the laws of this Territory, and it is a right which this court cannot impinge upon even if it were so disposed. But this right is limited to a substantial, accurate publication of the proceedings, and where the publication does not consist or purport to consist of a publication of the proceedings, but consists of invention and of falsehood, calculated to bring the courts into odium, hatred, ridicule and contempt, thereby embarrassing the influence of the courts, obstructing and impeding, embarrassing and hindering the administration of justice, it is a contempt, and punishable as such under our laws.

Now, in the State against the Bee Publishing Company, Lawyers' Reports Annotated, volume 50, page 197, it appeared that the publication was made with reference to a pending case. The editor of the paper was cited to show cause in that proceeding why he should not be dealt with as and for a contempt of court. He appeared in court by counsel and defended the action against him upon the grounds that "no disrespect to the court or to any member of the court was intended; that the case of the State vs. Smyth was not pending; that the publications were made with good motives, and were not calculated to obstruct the due administration of justice." The Kennedy case was pending. Of that, said the court, we have judicial knowledge, and the defendant must surely have known that the case was in court and undetermined, for it appears that the attorney for respondents brought his brief to Mr. Rosewater's office, and that the article headed "Worthy of Serious Consideration," immediately followed a meeting between the editor and the lawyer.

The defendant in this case has not taken the stand. He personally has not denied under his corporeal oath in the vision of this court that he had no knowledge of the pendency of the case of the Territory of Hawaii against McCarthy. The copy of his paper which contains the contemptuous cartoon in question also contains, in another column, a notice of the fact that this case is pending, and that a jury had been sworn in the cause for the purpose of trying it.

The first and third defenses are puerile; they amount to a denial that the defendant intended to violate the law. Under the conceded facts the course pursued by him was indefensible. His conduct is not susceptible of an innocent or honorable construction. The statute declares that any wilful attempt to obstruct the proceedings or hinder the due administration of justice in any suit, proceedings, or process pending before any court shall constitute a criminal contempt and be punished as such.

This statute is merely declaratory of the law as it has existed for hundreds of years. It is a legislative recognition of the authority of the courts to deal in a summary manner with persons who do any wanton, deliberate or intentional act calculated to embarrass them in the discharge of their important duties. In the history of American jurisprudence there can be found no case in which this power has been harshly or oppressively exercised by a court of final jurisdiction. Indeed, such courts have not often called publishers to account for constructive contempts, because it has rarely happened that a respectable public journal wielding any considerable influence has deliberately employed outlaw methods in attempting to control judicial action.

Cases of this kind originating in the lower courts are very numerous. We will not take the time to cite them or any of them. But as was said by the Supreme Court of Iowa in the case of Field against Thornell, 106 Iowa, page 15, it seldom happens that an honorable journalist so far forgets his self respect as to trespass upon the rights of the judiciary, or to seek to control or improperly influence its conclusions. We have, of course, no desire to restrain in the slightest degree the freedom of the press, or to maintain the dignity of the court by inflicting penalties on those who may assail us with defamatory and malicious publications. Our decisions and all our official actions are public property, and the press and people have the undoubted right to comment on them, and criticize them and censure them as they see fit. Judicial officers, like other public servants, must answer for their official actions before the chancery of public opinion; they must make good their claims to popular esteem by excellence and by virtue, by faithful and efficient service, and by righteous conduct. But while we concede to the press the right to criticize freely our decisions when made, we deny to any individual or to any class of men a right to subject us to any form of coercion with the view of affecting our judgment in a pending case. In the Iowa case above cited it is said: Courts are constantly passing on questions affecting the life and liberty of the citizen as well as the rights of property, and the freedom of the judiciary to investigate and decide, is quite as important to the well being of society as the freedom of the press. "Men," said one who knew them well, "are flesh and blood, and apprehensive." Few stand unmoved by the clamor of the multitude. Various motives, of course, conspire to make people deny and even to disguise from themselves the fact that they are amenable in any degree to the force of popular opinion. But it is folly to deceive ourselves, and it is futile to attempt to deceive others. Threats of public clamor have before now swayed the judgments and flexed the purposes of resolute men, and it will be well to remember that what has happened may occur again. Men have in the past yielded to the demands of an angry populace, and it is quite possible that they may yield again. Moral fiber is not stronger now than it ever was before. Courts are charged with the solemn, sacred and high function of administering justice, and it is their duty, not only to give to every suitor his demandable right, but to give him assurance that no banned and hostile influence shall operate against him while his cause is under consideration before the court and before the jury. A litigant is entitled not only to a just decision, but to a decision altogether free from coercion or suspicion of coercion. Nothing else will satisfy him, nothing less can fill the measure of his expectations. He has no standard with which to gauge judicial firmness, and if the court has been exposed to influences calculated, as in the McCarthy case, to tell against him, he will not know whether an adverse decision is the voice of the law or the cry of a cowardly and brutal editor.

Our views upon this matter are well expressed in the following excerpt from the opinion of Judge Lawrence in the People against Wilson, 64 Illinois, page 195: "A court will, of course, endeavor to remain wholly uninfluenced and unprejudiced by publications like that under consideration, but will the community believe that it was able to do so? Can it even be certain in regard to itself? Can men always be certain of their mental poise? A timid man might be influenced to yield, while a combative man would be driven in the opposite direction. While the actual influences are on one side or the other, so far as it is felt at all, it becomes dangerous to the administration of justice. Even if a court is happily composed of men of mature years and of such firm and equal temper that they remain wholly uninfluenced in either direction, nevertheless, a disturbing influence has been thrown into the counsel chamber, which it is the wise policy of the law to exclude." Equally pertinent are the remarks of Judge Elliott, in People ex rel. Connor vs. Stapleton, 18 Colorado, 568. Judges are human; they are possessed of human feelings, and when accusations are publicly made as by a newspaper article charging them directly or indirectly with dishonorable conduct in a case pending before them and about to be determined, it is idle to say that they need not be embarrassed in their consideration and determination of such cause. They will inevitably suffer more or less embarrassment in the discharge of their duties according to the nature of the charges and the source from which such charges emanate. When a judge tries and determines a cause in connection with which public charges against his judicial integrity have been published, the public as well as parties interested are frequently led by the publication of the charges to distrust the honesty and impartiality of the decision, and thus confidence in the administration of justice is impaired. It is not only important that the trial of causes shall be impartial, and that the decisions of the courts shall be just, but it is important that causes shall be tried and judgments rendered without bias, without prejudice or improper influence of any kind. It is not merely a private wrong against the rights of litigants and against the rights of judges, it is a public wrong, a crime against the State, against the decency and good order of society. That a party does not succeed in such undertaking which he manifestly intends lessens his offense only in degree. His ability to do harm is confined, it is limited by the known personal weaknesses of the writer of such articles, and the contempt into which they generally bring him. We feel quite sure that the publications here in question have not in the least deterred us from discharging with fidelity our duty in the case at bar. They were manifestly intended to overawe and intimidate this court, they appearing to be put forth for the purpose of preventing a decision by the jury in favor of the defendant. They were under the circumstances palpable acts of journalistic lawlessness and anarchy, calculated to weaken the independence of the court and to destroy confidence in its judgment. To justify them is to deny the supremacy of the law, and to answer the doctrine of newspaper absolutism under the guise of a free press. To admit that publishers may promote their interests in pending litigation by resorting to methods not available to others, is to strike down our much vaunted principle of "equality before the law," and to declare that journalists who choose to become malefactors are a privileged class, and entitled as such to go unwhipped of justice. But the law recognizes no such distinction; it never has recognized it. It accords to publishers, says Chancellor Wallworth, no rights but such as are common to all. They have just the same rights as the rest of the community have; no more and no less. A man who speaks in a newspaper has no greater right than he who speaks out of it. A newspaper is no sanctuary behind which a person can shield himself for breaking the solemn laws of the land. We have not acted in this case out of any spirit of resentment; indeed, we have no reason to feel specially aggrieved. The natural tendency of the article is, however, and the cartoon is to interfere with and obstruct the due administration of justice of this court.

It is the unanimous opinion of the judges of this court that the defendant should be held guilty as charged in the complaint herein.

Mr. W. O. Smith, in answer to the remarks of the court, said that there was no necessity for a further showing on the part of the respondent, that a sworn return had been made in which personal knowledge was disclaimed, and that the cartoon related to the first trial, a case in which the decision had already been given.

Judge Gear replied that the contempt was not a constructive one, and that that statute did not apply to written or spoken words, and consequently the defendant could not be purged of the contempt. He said he would consider the disclaimer of personal knowledge on the part of Mr. Smith in mitigation of sentence. In concluding Judge Gear said:

"It is therefore the judgment of this court that you be and you are hereby adjudged guilty of contempt of court as set forth in the affidavit, and you are sentenced to imprisonment in Oahu Jail for the period of thirty days, without hard labor."

Judge Gear was interrupted several times in attempting to pass sentence by Judge Humphreys, who stopped him by whispers. After the imposition of the sentence the court ordered Bailiff Hopkins to take charge of Mr. Smith, and he was compelled to take a seat near the prisoners' bench. There was a long delay in the preparation of the commitment, and it was not served until after 3 o'clock, and then Bailiff Hopkins refused the attorneys a copy for use in preparation of the petition for a writ of habeas corpus. Mr. Lewis tried to get a copy of the mittimus from Judge Gear, and the court finally explained that he had given the only extra copy to his evening paper. In fact, it was given out nearly an hour before the service was made.

Mr. Smith was taken to the police station, and in the meantime L. A. Andrews and Mr. Lewis appeared before Chief Justice Frear with the following application for a writ of habeas corpus.

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII, BEFORE HON. W. F. FREAR, CHIEF JUSTICE, AT CHAMBERS.

In re Petition of Walter G. Smith, for a Writ of Habeas Corpus.

To the Honorable Walter F. Frear, Chief Justice of the Supreme Court:

The petition of Walter G. Smith, an American citizen residing in Honolulu, Island of Oahu, Territory of Hawaii, respectfully represents:

(1) That your petitioner is imprisoned and restrained of his liberty in Honolulu, Oahu, by one A. M. Brown, High Sheriff of the Territory of Hawaii.

2. That the cause or pretence of such imprisonment or restriction according to the knowledge and belief of your petitioner is that the said A. M. Brown claims to have and to be acting under an order of arrest and mittimus issued by George D. Gear, judge of the First Circuit Court of the said Territory.

(3) That the said order or mittimus is based upon the warrant or order by said judge that your petitioner is in contempt of court in publishing, printing and circulating a statement of and concerning the said judge of the Circuit Court, and the cartoon or picture with reference to a cause now pending and undetermined in the Circuit Court, to wit, the case of the Territory of Hawaii against William McCarthy, and which said statement and publication and picture or cartoon is well calculated to prejudice and will prejudice the minds of the jury sworn to try the issues, and hinder, obstruct and prevent the court and jury in the discharge of their duties and the administration of public justice, which order is based upon an order to show cause why petitioner should not be adjudged guilty of contempt, and petitioner's return thereto, and the proceedings had therein and before said Circuit Court.

(4) That your petitioner claims that the said judge of the said Circuit Court had and has no right or jurisdiction to issue said order or mittimus, and that the same is illegal and void for the reasons:

I—That the act complained of in the motion is not in law a contempt of court for which the court has power to punish this respondent.

II—That the court can not legally punish as for contempt a publication of the nature of that in said order complained of, made in a newspaper, and not done in the immediate presence of the court.

III—That the publication of a cartoon or picture, such as that complained of, done without knowledge by the person so publishing the same, that the case pending before the court would or might be prejudiced thereby; or without knowledge that any such case was pending, is not contempt of court, and cannot be punished as such.

IV—Under the statutes of the Territory of Hawaii no publication out of court in relation to the court or to any of its members amounts to contempt, and the same cannot be punished as such.

V—That the return and answer filed herein, and the proceedings had thereunder, fully show that the defendant fully purged himself of any alleged contempt, and that no such contempt was committed.

VI—That the said order or mittimus is in violation of the constitutional rights guaranteeing and providing for the freedom of the press.

VII—That if said act complained of was a contempt of court whatsoever, the same was merely a constructive contempt, and not punishable by the Circuit Court.

VIII—That the record of proceedings shows that said proceedings were illegal and irregular.

IX—All of which said claims appear more fully in the order to show cause, the affidavits attached thereto, the petitioner's motion to discharge the rule and answer and return made by this petitioner, and in the proceedings had before said Circuit Judge upon which the said order and mittimus is based, and the proceedings had in connection therewith to which said order to show cause, motion, return and proceedings now on file in the said Circuit Court your petitioner asks leave to refer for greater certainty and make a part hereof, and a copy of which order to show cause and affidavit in support thereof, and of petitioner's motion to discharge the rule and answer and return is hereto attached and made a part hereof.

(5) That your petitioner has been unable to obtain a copy of said order, warrant or mittimus under which he believes he is held, and asks leave when he can obtain the same to attach them hereto and make them a part hereof.

Wherefore, your petitioner prays that a writ of habeas corpus forthwith issue out of this court directed to the said A. M. Brown, requiring him to produce the body of the said Walter G. Smith before this court at such day and hour as in said order may be set forth, and that upon due investigation by this honorable court of the matters and things hereinbefore set forth and properly appurtenant to the subject matter of this petition, said Walter G. Smith may be discharged and freed from said restriction and imprisonment, and that pending the hearing of this petition your petitioner may be admitted to bail. WALTER G. SMITH.

After reading the affidavit and accompanying papers carefully, the Chief Justice granted the petition, and gave the petitioners leave to add the mittimus to the record, when they should be given a copy. The writ was made returnable April 21st, and bond was fixed at $500. The following is the order made by Judge Frear upon which High Sheriff Brown immediately released Mr Smith:

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII.

In re Petition of Walter G. Smith, for a Writ of Habeas Corpus.

The Territory of Hawaii to A. M. Brown, greeting:

We command you that you have and produce before our Supreme Court of the Territory of Hawaii at the Courthouse at Honolulu, on Monday, the 21st day of April, 1902, at 10 o'clock a.m., the body of Walter G. Smith, who is unjustly imprisoned and restrained of his liberty, as it is said, and then and there to do what shall be ordered concerning him in his behalf, and have you there this writ with your doings thereon, and that further pending the hearing of this cause, admit the said W. G. Smith to bail in the sum of $500.

Witness the Honorable W. F. Frear, Chief Justice of our Supreme Court.

Dated at Honolulu this 13th day of March, 1902. W. F. FREAR,

Chief Justice of the Supreme Court, Territory of Hawaii.

NEW JURY IS DRAWN

McCarthy Case Again on Trial.

The third trial of the McCarthy case was begun before Judge Gear yesterday afternoon. At the opening of court in the afternoon the court allowed the withdrawal of a juror from the first panel, and a mistrial was declared. Deputy Attorney General Douthitt insisted upon a trial for McCarthy at this term of court, and the court thereupon ordered a special venire for 25 talesmen. It was 3 o'clock when Bailiff Kills had succeeded in corralling a sufficient number of men, but the jury was not difficult to secure. The following is the jury as finally impaneled: H. A. Wilder, N. F. G. Jackson, R. Duncan, D. L. Austin, J. st. Lever, J. H. Worrall, Louis Singer, W. H. Rogers, W. Broady, W. Roland, W. W. Dimond, and A. L. Soule. The trial was thereupon continued until this morning.

DAVIS IS CALLED DOWN.

George Davis continued attacks upon the attorney general brought forth a sharp rejoinder from Deputy Attorney General Cathcart yesterday morning. Davis had been appointed counsel for the Williams brothers, who were acquitted of the charge of burglary last week, and immediately reindicted by the grand jury on a charge of larceny in the first degree. The defendants were up for arraignment yesterday, but Davis was not present, though soon afterwards he was noticed passing the door of the court room.

Judge Gear called him in and wanted to know why he didn't appear in behalf of his clients. Davis replied that he had been working hard on charity cases for a week and thought he should be allowed some relief now. He asked to be excused, but the court refused, and then Davis began to rant and roar in his usual style about constitutional rights, and stated that these boys had been indicted by the attorney general through a "job."

Douthitt objected to the remarks at this time, and Davis began to hedge. Then Cathcart took a hand and wanted the court to understand that the attorney general did not indict the Williams brothers, but they had been regularly indicted by the grand jury. Davis retorted that Cathcart wasn't the attorney general "yet," to which the latter replied that he had conducted the criminal cases before the grand jury.

Davis then suggested that probably some of the young attorneys might be given a chance, or that Col. Fitch be allowed to defend by himself. "I am under heavy expenses," said Davis, "and am not overburdened with cash."

Mr. Thompson, who was representing Col. Fitch, said that he was also laboring under the same unfortunate stress of circumstances.

Davis muttered something about "spendthrift," and then shut up. The case was set for this afternoon, but will probably go over for the term, as tomorrow is the last day.

There was another squabble about a case in which Mr. Chillingworth was interested, and he also asked for a continuance. Mr. Cathcart objected, and wanted the matter heard this term, as the witnesses were liable to become scattered. Here Davis chipped in and suggested that the witnesses could be sent to jail, and Cathcart replied angrily that there was little justice in holding the witnesses in jail, while the defendants were at liberty on bail.

THE INJUNCTION CASE.

The Rapid Transit injunction case was argued before Judge Robinson yesterday, and by him taken under advisement. He will render a decision Saturday morning.

The plaintiffs, a Chinese corporation, ask that the Rapid Transit Company be restrained from building its lines through the land alleged to be owned by them near Waikiki. The defendants have agreed to discontinue operations until the decision is given tomorrow.

SUPREME COURT ADJOURNS.

The Supreme Court adjourned yesterday for the session, to April 21st. The appeal from the attorney general's ruling on stamp duty on written proxy is to be submitted on briefs.

COURT NOTES.

Judge Humphreys made an order yesterday dismissing the case of Territory vs. Liliuokalani in accordance with the Supreme Court decision.

An answer has been filed in the divorce case of Thomas Smith vs. Margaret F. Smith.

Chas. F. Murray has asked to be appointed administrator of the estate of T. R. Murray. The estate is valued at $2500.

The eighth annual accounts of the J. H. Wood Trust were filed yesterday, showing receipts for the year to be $6756.18 2-3 and expenditures $6080.36. Part of the estate is invested in $3000 Oahu Railway and Land Company bonds.

Application has been made for the appointment of a trustee for Jacintha J. Walsh, a minor, in order that she may withdraw a deposit of $180 from the First National Bank.

Chung Kin has sued Hyman Bros. for $810.69, and for $1000 damages for alleged unlawful action in carrying away goods from plaintiff.

TICKETS IN DEMAND BY SOCIETY FOLK

With a blaze of society glory, won by earnest and consistent work, the season of the Oahu Polo Club will close on Saturday after a game which promises to draw an immense crowd to Kapiolani Park. The game is that for the benefit of the McKinley Memorial fund, and from the way the tickets are going the attendance will be one which will break the records.

The teams have been hard at work for the game, and if practice counts there should be such play as will be worth the attention of any devotee of the sport. The members have been at work in the early morning and there is little else to be said than that there has been such a final tuning up of men and ponies as will make the play fast, at the very least. The ponies are getting into the best of shape, though there was one mishap to the red team, in the disabling of one of the ponies of Shingle, an animal which shapes as one of the very best ponies in the league.

The band will be on hand at 3 o'clock and play will commence at 3:30 o'clock. The officials of the day will be S. E. Damon, umpire; Albert Waterhouse and C. W. Dickey, referees; J. P. Erdman and F. T. P. Waterhouse, linesmen; Ernest A. Mott-Smith, timekeeper. While these gentlemen will have to do with the game proper, there will be a reception committee, which will include every member of the club, and which will devote its time to the placing of visitors, where they will have the very best view of the field.

A souvenir program, with sketches by Yardley and Dunn, will be distributed, and in addition there will be ribbons of the colors of the opposing teams, red and blue, which will have a legend setting forth the occasion for the game, and giving the names of the teams with blanks where the final score may be inserted for the purpose of keeping a record of the game. These souvenirs will be sold for the benefit of the McKinley fund, too, and without doubt will add to the revenues of the day. There has been a large sale of tickets by the corps of agents and at the principal stores, and there seems to be every reason to expect the presence of a crowd which will fill the park as it has not yet been filled for the purpose of witnessing a polo game.

PLAN FOR FUNERAL OF E. MACFARLANE

The remains of the late Edward C. Macfarlane will reach this city today in the Alameda, according to the information conveyed by the last steamer from the Coast. Mr. and Mrs. F. W. Macfarlane and the young widow will arrive in the ship, as well.

The present plans are that the casket shall be removed to the residence of Mr. H. R. Macfarlane, Punahou street, although the hour at which this will take place has not been set, and will not be until the arrival of Mr. F. W. Macfarlane.

Mr. E. C. Macfarlane, at the request of his bride and his brother and sister-in-law, Mr. and Mrs. F. W. Macfarlane, became connected with the Catholic Church. The funeral, therefore, will take place from the Catholic Cathedral. The plans at present call for the services at 3:30 o'clock Sunday afternoon. These plans may be changed if the widow so desires.

All arrangements for the funeral will be in charge of Mr. J. A. Hassinger, an old friend of the deceased. The list of pallbearers has been partially prepared, but will not be completed until Mr. F. W. Macfarlane has been consulted.

Mrs. E. C. Macfarlane will make her home with Mr. and Mrs. F. W. Macfarlane, at Waikiki, for the present.

THE EGBERT FROM MANILA

Just as the collier Alexander passed along the channel yesterday afternoon on her way to sea, the transport Egbert from Manila slowly steamed past her and was soon occupying the berth at Naval Wharf No. 1, vacated by the big coal carrier.

The Egbert sailed from Manila on February 18 and was 23 days reaching Honolulu. Except for a little bad weather at the start, the trip was a remarkably pleasant one, and made in fair time. There are only 463 passengers on board, and the vessel stands very high out of the water, seeming to tower above the Warren as she docked alongside her.

The troops aboard the Egbert are a battalion of the Twentieth Infantry and 565 casuals. The passenger list is as follows:

Painting the Drillshed.

"As clean as the driven snow," will soon apply to the black, grim, somber-looking Drillshed. Painters began working on the roof of the structure yesterday with white paint, warranted to make it cool in the sunshine, and in a week or so the entire building will be completely covered. The transforming of the shed is due to an order issued some time since by the United States Army Department that the Drillshed must be painted to conform with the color of the old stone barracks. During the last ten days, when the troops of the transport Warren were camped out in the armory, the men complained much of the heat. It is believed that the white chemical paint, said to be of a kind that will keep the roof from heating, will do much to remedy this defect.

Importers of tapas and other curios can rest easy in their minds as to the free passage of merchandise from Pago Pago, Tutuila, Samoan Islands, through the custom house at Honolulu, the Attorney General of the United States having decided that merchandise shipped from Tutuila is not subject to the tariff laws imposing duties on goods from foreign countries. The decision comes through the protest of John Effinger and others of Honolulu, to Collector Stackable, against the imposition of duties on tapas and other merchandise of like character upon arrival here. Under date of February 25, O. L. Spaulding, Assistant Treasurer of the Treasury Department, informs the local collector that such duties were not applicable to the goods of American Samoa.

All Run Down

No Appetite. Weak. Discouraged.

Warm climates always debilitate the nervous system. The digestion is slow, and the liver becomes sluggish. Impurities in the blood accumulate, and you go about downhearted and depressed. All this may be quickly changed with proper treatment.

Mrs. C. Kennedy, of 26 Erskine St., North Melbourne, Victoria, sends us her photograph and this letter:



"I had lost my appetite, was very weak, and all run down. Nothing did me good, and I was discouraged. I tried

AYER'S Sarsaparilla

and it brought me right up to my usual health and strength. And I want to add a word here about Ayer's Cherry Pectoral. It has cured me of such hard coughs and colds that I feel I could not do without it. For family remedies I rely on that word, 'Ayer's.'"

Keep your bowels in good condition with Ayer's Pills. Take just enough to produce one good free movement of the bowels daily.

Prepared by Dr. J. C. Ayer Co., Lowell, Mass., U. S. A.

HOLLISTER DRUG CO., Agents.

Castle & Cooke,

—LIMITED.—

LIFE and FIRE INSURANCE AGENTS. . .

AGENTS FOR

New England Mutual Life Insurance Co OF BOSTON.

Ætna Life Insurance Company OF HARTFORD.

Wm. G. Irwin & Co.,

LIMITED.

Fire and Marine Insurance Agts.

AGENTS FOR THE

Royal Insurance Company of Liverpool.
Alliance Assurance Company of London.
Alliance, Marine and General Assurance Co., Ltd., of London.
Scottish Union National Insurance Company of Edinburgh.
Wilhelma of Magdeburg General Insurance Company.
Associated Assurance Co., Ltd., of Munich and Berlin.

CHAS. BREWER & CO'S.

NEW YORK LINE

Ship I. F. Chapman

SAILING FROM

NEW YORK to HONOLULU

April 1, 1902.

For freight rates apply to

CHAS. BREWER & CO.,
27 Kilby St., Boston,

C. BREWER & CO., LTD.
Honolulu.

Auction Sale of Delinquent Sugar Stock.

ON SATURDAY, MARCH 15, 1902, at 12 o'clock noon, at my salesroom, 65 Queen street, Honolulu, I will sell at Public Auction by order of the Treasurer, Mr. Elmer E. Paxton, the following certificates of stock in the Olaa Sugar Co., Ltd., unless the twentieth assessment, due December 21, 1901, and delinquent February 21, 1902, with interest and advertising expenses, is paid on or before the day and hour of sale at the offices of the B. F. Dillingham Co., Ltd., Stangenwald building, Honolulu:

Cert. No.	Names.	Shares.
207	W. L. Wilcox	50
1471, 1046, 562	L. Chong	50, 133, 17
582	Charles F. Eckart	17
1129	Emmet May	83
1442	Mrs. Emma L. Crabbe	25
1532	Linsay May	25
1619	M. V. Holmes	100
1871	Miss C. E. Oudie	10
1952	Willie Wright	1
1953	J. E. Westbrook	4
1956	W. W. Wright	3
1997	Mrs. S. L. Williams	30
1998	J. L. Wheeler Jr.	2

ELMER E. PAXTON,
Treasurer.

Honolulu, March 3, 1902.

JAS. F. MORGAN,
AUCTIONEER.

The Peru was reported off Koko Head about 1 o'clock yesterday afternoon and two hours later she docked at the Pacific Mail wharf. The steamer, which left San Francisco on the 5th inst., brought 218 bags of mail, five days' later papers and 2086 tons of through freight. She will sail at 10 a. m. today for the Orient, proceeding to Manila, and inaugurating the new through schedule of the Pacific Mail, Oriental and Occidental and Toyo Kisen Kaisha companies. The Peru has 15 passengers for Manila.

The Alameda, from the Coast, is due today, but may not arrive, on account of having been delayed in quarantine.

MONTHS IN MOUNTAINS

The Hardships of Two Missionary Captives.

CONSTANTINOPLE, March 7.—The following account of the captivity of Miss Stone has been obtained from reliable sources, some of the information having been secured from accomplices of the brigands. After the capture of the missionaries, near Bansko, in September last, the brigands established themselves on the Mountain of Gueltepe, in the Ellodere district, Bulgaria, where the whole population were in sympathy with the enterprise.

While awaiting the result of their efforts to secure the ransom, the brigands drew their supplies from the adjacent village of Ledjuma. Feeling perfectly secure, the members of the band used to show themselves openly in Kamenica and neighboring villages. The prisoners, however, were jealously secluded.

When C. M. Dickinson, United States Consul General at Constantinople, arrived early in October last and disclosed to the authorities the whereabouts of Miss Stone's captors, the result was nearly disastrous to the prisoners. The Bulgarian government ill advisedly pushed troops to the vicinity of Gueltepe, forcing the brigands to break off negotiations, and the band changed its quarters to Kilo. The cold weather made travel in the mountains a dreadful ordeal for Miss Stone and Mme. Tsilka, incumbered as they were with the latter's infant. Every change of camp occurred at midnight.

The brigands treated their captives as kindly as the circumstances permitted, but the food supply was necessarily precarious, though the ladies were given the best the inhospitable region afforded. The captives at no time knew of their whereabouts, the brigands always telling them they were not in Bulgaria, and they were in constant fear of attack by troops, whom the friendship of the natives was not always able to prevent from coming close upon the trail of the band. An equal cause of anxiety was the baby, which it was frequently feared would die from exposure.

Not until November 2 did the American emissaries come in touch with the band, which was then established in a cave near Dubnitz; but fear of the troops forced the brigands to another flight. This was made in a blinding snowstorm, which covered the tracks of the outlaws, but caused bitter suffering to the captives. After this the brigands succeeded in completely eluding the authorities, and toward the end of November, by a long route, they succeeded in returning to their old haunts in the Ellodere district. They then caused to be circulated a report that the captives were dead, and from that time managed to keep Miss Stone and Mme. Tsilka safely under cover until the actual release of the captives took place.

ROBERTS QUITS TRUST LEADERS

NEW YORK, March 4.—Dissatisfaction with the business policy of the United States Steel Corporation, in so far as it is directed by President Chas. M. Schwab, caused the resignation today of Percival Roberts Jr. from membership on the executive committee. His withdrawal was accepted, but a successor was not named. The officials of the steel trust and other members of the executive committee endeavored not only to conceal the real reasons for the resignation, but the news was suppressed in the report of the proceedings given out for publication. Roberts has not resigned his membership in the board of directors, but it is not improbable that the present steps will be followed ultimately by his retirement from active participation in the control of the United States Steel Corporation. Roberts represented a total capitalization of $80,000,000.

The following statement was authorized by Mr. Roberts tonight: "The reason for the step I can give only in a general way and it was this: For some time I have not agreed with Mr. Schwab regarding certain features of the policy of the corporation which he supports. I regret that I am unable to say more than to base my resignation on the comprehensive ground of failure to agree with the ideas of the president of the corporation and certain phases of the policy of the executive committee. I have not resigned from the directorate. Whether or not I shall resign from the board is a question not to be discussed at present."

BOTH SIDES LOSE IN SOUTH AFRICA

LONDON, March 4.—Telegrams received here from Klerksdorp describe the attack upon and capture by the Boers, February 24th, at a point southwest of Klerksdorp, of 467 British soldiers who were acting as convoy to an empty wagon train.

The third Boer attack upon the convoy was delivered from various points and was most determined. By sheer recklessness they sought to ride down and overwhelm the British defense. The British guns shelled the charging Boers but nothing stopped their onslaught, which was delivered with unusual impetus. The convoy of mules was subjected to a heavy fire, and, deserted by the native drivers, the mules stampeded, putting many of the defenders temporarily out of action and causing the wildest confusion.

For two hours the British held out. They then divided and were overwhelmed.

By 7 o'clock in the morning all resistance was at an end. The dead and wounded were scattered al lover the field. Not until General Delarey came in person was anything like order restored. He stopped the Boers engaged in stripping the British wounded to the free use of the skenkich, but they continued the work of despoiling as soon as his back was turned.

A dispatch from Harrismith says Boer prisoners report that General De Wet was shot in the arm during the recent attempt to break through the blockhouse line held by the New Zealanders in the vicinity of Harrismith and Van Reenan.

LONDON, February 28.—Following the precedent of Lord Roberts, who announced General Cronje's surrender at Paardeburg on the anniversary of the battle of Majuba Hill (February 27, 1881), Lord Kitchener selected the same anniversary to achieve a big success by a combined movement lasting two days against the Boer forces within the Harrismith and Van Reenan line of blockhouses. The Boer losses aggregate 1 men killed or captured, and 2000 horses and 25,000 head of cattle fell into the hands of the British troops.

CHICAGO, February 28.—A cable to the Record-Herald from London says War Secretary Brodrick announced in the Commons today that General De Wet's son had been captured, but he failed to impart to the legislators the more surprising news that the famous General Louis Botha had also been made a prisoner and had got away again.

When Rimington's troops made a night attack at Knapdaar they captured several prisoners. Among the men taken was Botha, but the British did not recognize him.

Another force of Boers, hearing of the disaster to the main body, and that their general had been captured, menaced the British command. In the confusion of the expected attack the body of British troops that held Botha as their prisoner permitted a few of the burghers to escape, and among the number was Botha.

REPORT AGAINST PANAMA ROUTE

WASHINGTON, March 3.—At a meeting of the Senate sub-committee on Interoceanic Canals today an adverse report was ordered on the proposition of the Panama Canal Company to sell its rights and properties to the United States for $40,000,000. This subcommittee is composed of Senators Morgan of Alabama, Pritchard of North Carolina, Mitchell of Oregon, Turner of Washington, Kittredge of South Dakota and Foster of Louisiana, all lawyers. The report states that the complications in the way of the transfer of the title to the United States are insurmountable.

Pritchard, of the sub-committee, was absent, and Kittredge differed from his colleagues and reserved the right to make a minority report. The majority of the full committee, as is well known, favor the Nicaragua route, but the advocates of the Panama route, under the lead of Hanna, will continue the fight in the committee and in the Senate, where there is undoubtedly a majority in favor of the Panama route.

There is no doubt that the recent news from Paris that Colombia would insist that its assent should be obtained before any steps could be taken by the Panama Company to transfer its rights to the United States, had a direct effect upon the deliberations of the sub-committee, and has also influenced the opinions of Senators generally and added in every way to the difficulty of bringing the United States and the Panama Company to the point of negotiations.

NEW YORK, March 3.—A cable to the Sun from Colon says: According to advices received here from Paris, an Anglo-French syndicate has offered to pay 4,000,000,000 francs (twice the American oger) for the Panama canal. It is added that though it is the purpose of the syndicate to complete the canal with English money principally, the enterprise will remain a French one.

SERVIAN REBEL MEETS HIS DEATH

BELGRADE, Servia, March 5.—An extraordinary attempt to start a revolution was made this morning at the frontier town of Shabab by a raid under the leadership of Alavantics, a relative of Prince Karageorgevich, the pretender to the Servian throne. The only result was that Alavantics was killed and his adherents were arrested.

Alavantics, with a handful of followers, arrived at Shabab from Mitrowiez, wearing the uniform of a general in the Servian army, and called to the frontier guard to follow him. The latter, not suspecting that anything was wrong, accompanied the general to the town hall, where Alavantics ordered the men of the fire department to join him. This motley procession proceeded to the gendarmie barracks, where Alavantics paraded the gendarmes. Two of the latter, however, whose suspicions were aroused, escaped and apprised their commander, Captain Nikolics.

The latter, when he arrived on the scene, called on Alavantics to produce some document as authority for his actions, whereupon the would-be revolutionist leader fired a revolver at Captain Nikolics, slightly wounding him. Nikolics promptly shot and killed Alavantics, whose followers were then arrested.

RIFLES FOR INSURGENTS.

Manila Paper Alleges That Landing Has Been Effected

VICTORIA, B. C., March 5.—The Manila American, copies of which have just been received, says it has very goo just been received, says it has very good reasons for believing that recently a vessel flying the German flag landed Mauser rifles on the coast of Batangas for the use of the insurgents. It is said that the shipments comprised 70 cases, or about 1400 rifles, with ammunition.

The vessel was seen hovering about the coast of Mindoro for several days, finally dropped up to Batangas, almost within cannon shot of Manila, and later disappeared. About the same time a cargo of arms was landed. The destination of these weapons, the American says, can be readily imagined. The rifles can be bought in Germany and Japan for something like $13 Mexican, and they readily command $50 gold on being delivered to the insurgent commanders.

In view of the existence of numerous recruiting stations in the district of Manila itself the American believes these importations are serious.

HOW TO PREVENT PNEUMONIA.

You have good reason to fear an attack of pneumonia, when you have a severe cold, accompanied by pains in the chest, or in the back between the shoulders. Get a bottle of Chamberlain's Cough Remedy and use it as directed, and it will prevent the threatened attack. Among the tens of thousands who have used this remedy for colds and la grippe, we have yet to learn of a single case that has resulted in pneumonia, which shows that this remedy is a certain preventive of that dangerous disease. For sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for H. I.

CARTER HAS NOT YET REACHED THE CAPITAL

Storm Ravages Prevent the Arrival of the Hawaiian Delegate, But Interview is Arranged.

(Special to the Advertiser.)

WASHINGTON, D. C., Feb. 28.—For four days people in Washington have been looking for the arrival of George R. Carter. His journey here from Honolulu has been well advertised in the local newspapers, and the status of political affairs in the Islands from different viewpoints has been heralded in print here in anticipation of Mr. Carter's coming. Even his picture has been published, so that there are scores of people who would recognize the bearer of advice to President Roosevelt when he arrives.

This is Thursday, and last Tuesday Mr. William Haywood had a telegram from Mr. Carter in New York, asking if he could communicate with him by long distance telephone. Mr. Haywood had no idea what sort of a communication Mr. Carter wanted to make. As the telephone wires were out of order from the severe storm of rain and sleet that forthwith put the telegraph lines also out of commission, Mr. Haywood telegraphed back to ask if what he wished to say was sufficiently important to warrant him (Haywood) making a trip to New York. No answer was received and nothing further has been heard to date of Mr. Carter's whereabouts. The only communication with New York, except for messages of extreme importance that are sent by way of Chicago or by some other roundabout route, is by mail.

Miss Cordelia Carter has been visiting the Misses Hariwell on Sixteenth street, but left for Boston a day or two ago, after telegraphing in vain to locate her brother. It is thought he may have gone on there to visit her, as this has been a very busy week for the President and there would be little opportunity for an interview of much length, regarding Hawaii. Prince Henry has been here two days of the week. President Roosevelt has been absent a little over one day, to the launching of the Meteor, the German Emperor's yacht, and then on yesterday much of his time was occupied with the McKinley Memorial exercises at the Capitol. Prince Henry stays here a day or two yet, and accordingly the President is devoting considerable of his time to the royal visitor.

It was stated at the White House today that Mr. Carter would have an interview with President Roosevelt early next week, and it is understood that a communication has been received there from him to this effect.

The announcement from San Francisco, as soon as Mr. Carter landed, that he proposed to advocate the selection of Mr. H. P. Baldwin as governor, has awakened considerable local interest. The notable thing about it, however, is that advices by telegraph are understood to have reached here declaring stoutly that Mr. Baldwin will not accept the office, as he is unable to spare the time from his business. An opinion prevails here that the candidacy of Mr. Baldwin was fixed up between Mr. Carter and J. P. Cook, Mr. Baldwin's son-in-law, who is said to have some political bees buzzing around near his headgear.

Col. Sam Parker's denial that he has told anybody he was to be governor of Hawaii, as printed in the San Francisco and Honolulu papers, is attracting some attention here, and may get him into further trouble with the President, for there are Honolulu people right here in Washington who may go before the President with a clipping of Col. Parker's interview, and agree to make affidavit that such a statement is untrue.

The Misses Hartwell left here yesterday for their old home in South Natick, Mass.

Mr. Haywood, in discussing the Cuban situation, said today that he agreed with my statement that no man could tell just now just what Congress would do. "I want to make a guess, however," he continued, "and I believe my guess will come out about right. It will be a 20 per cent reciprocity arrangement."

The friends of Hawaii here are much pleased at the incorporation in the Ways and Means resolution and in the bill drawn by Chairman Payne, of the proviso that Cuba must first enact the immigration laws of the United States, before the proposed reciprocity shall be put into force. As it is reasoned here that proviso, if enacted into law, will practically nullify any effect the reciprocity arrangement otherwise might have. It will restrict the labor supply and prevent the importation of Chinese labor. It might be that the Cubans would rather go without the benefits of the proposed reciprocity than have to comply with the labor laws of the United States.

There is an interesting bit of history behind this provision, whether it is due to the cause supposed can not be stated definitely, but the connection is close. The night before the Ways and Means republicans were to meet for the final arrangement of their reciprocity plan, a letter was addressed to each of them, setting forth the difficulty that Hawaii had been placed in because of stringent labor laws, and making some pretty bold threats of what might happen to some of the trade with Hawaii and the States, should relief be granted to Cuba and there be no similar labor restrictions. It seems significant that the following day when the Ways and Means republicans did meet and formulate their resolution, that the immigration provision was incorporated. Theretofore no one had heard aught about it.

The fight among the House republicans as to the program is bitter, and no one can tell with exactness what may come of it. The republican conference last Monday night was fruitless, except as to discussion, and both sides seemed afraid to have a vote. The conference will be resumed next Tuesday night. Mr. Payne has submitted his bill, incorporating the Ways and Means resolution, and Mr. Tawney, of Minnesota, has submitted a rebate plan, which in substance embodies the scheme brought forward by Representative Morris of the same State.

The Hawaiian ditch bill is still before the House Committee on Territories, and the prospects are that a hearing before the full committee will be given before it is reported. Mr. Haywood stated today that he was not favoring the requests of either of the corporations that seek the franchise in Hawaii. "I regard the land laws of Hawaii as the best suited to the conditions existing there," he continued, "and no changes should be made without the full knowledge and consent of the people, who have framed them to meet such conditions." Mr. Haywood added that if any changes were made to permit the construction of ditches it should be in the shape of additional authority to the Territorial officials, who have the enforcement of the land law in their hands.

Delegate Wilcox has introduced a bill of his own "to fix the term of office of senators elected at the first general election of the Territory of Hawaii; also the apportionment of those to be elected at the general election in November, 1904." The full text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifteen senators elected at the first general election held in the Territory of Hawaii on November 6th, 1900, shall each hold office for the term of four years from the date of such election.

Section 2. That at the general election in November, 1904, fifteen qualified persons shall be elected as senators, eight of whom, who have received the highest number of votes cast, shall each hold office for the term of four years from the date of such election, and the rest, who shall have received the lowest number of votes cast, shall each hold office for the term of two years only from the date of such election.

Sec. 3. That at the general election in November, 1904, those senators who shall have received the lowest number of votes cast shall be apportioned as follows: That two from the First Senatorial District, one from the Second Senatorial District, three from the Third Senatorial District, and one from the Fourth Senatorial District, shall each hold office as Senators for each of those districts for the term of two years only from the date of such election.

Land Commissioner Boyd is still in Washington, but Congress and Congressmen have been so much absorbed with other things in the last week or ten days that Mr. Boyd has had little opportunity to strike any blows. The hearing he expected to have on the land bill proposed by Delegate Wilcox, before the Committee on the Pacific Islands in the Senate, was postponed. Senator Foraker wanted Mr. Haywood present, if any hearing was held, and Mr. Boyd was going ahead with his hearing without consulting anybody. The result has been no hearing up to date.

ERNEST G. WALKER.

SPECIAL CHINESE LAWS.

Cuba May be Asked to First Enact a Measure.

WASHINGTON, Feb. 28.—A weak feature in the proposed new sugar compromise scheme of relief for Cuba, has been exposed by Representative Coombs. He pointed out that Chinese are not affected by our immigration laws, and that the mere extension of laws to Cuba, would not keep Chinese out, they being controlled and excluded by special law. There will be nothing, in his opinion, to prevent Chinese from going in great numbers to Cuba and making their way then to the United States. Chairman Payne expressed surprise when reminded that the general immigration laws do not apply to Chinese. He stated that in his belief Congress would soon extend the present exclusion laws. As to Chinese exclusion laws in Cuba he was reticent, but saw the difficult problem presented.

KOHALA LAND CO. IS INCORPORATED

(From Wednesday's daily.)

Articles of incorporation of the Kohala Land Company were filed with Treasurer Wright yesterday. The capital stock of the corporation is but $10,000, but power is given to increase it to $1,000,000. The objects of the corporation are stated as follows:

1. To buy, sell, lease, mortgage, loan on mortgage of lands or interest in lands, and in every other manner deal in lands, in the Hawaiian Islands, but more particularly, and while the business and interests of the corporation shall otherwise require, in the district of Kohala, on the Island of Hawaii.

2. To acquire and deal in water rights and interests pertaining thereto, and to construct and maintain waterworks and all pipes, waterways, machinery and other things incident thereto, and to buy and sell water for irrigation and all other purposes.

3. To engage in forestry work in all branches and departments thereof, either upon its own lands or on the lands of others.

4. To engage in and perform all manner of agricultural work, and to buy and sell agricultural products, and the same to convert into manufactured products of agriculture.

5. To buy, sell, lease, own, hold, maintain and operate such mills, manufactories, machinery, carts and other vehicles, roads, railroads, trains, houses, stores, warehouses and other buildings and structures as may from time to time be necessary or convenient in conducting its business, and to make or construct such containers and other appliances as may from time to time require.

6. To buy, sell and deal in goods, wares, and merchandise, and if deemed useful to the purposes of the corporation, to own and conduct one or more stores for the sale of such articles, as well as to deal in its own products.

The capital stock shall be ten thousand dollars, divided into shares of ten dollars each, with the privilege of subsequent extension to five million dollars.

The corporate powers are vested in five directors, which for the first year are: J. B. Atherton, M. P. Robinson, A. N. Campbell, C. H. Atherton and P. L. Weaver. J. B. Atherton is president, C. H. Atherton secretary, and A. N. Campbell treasurer of the corporation. The stock is held as follows: Wm. R. Castle, 994 shares; Joseph B. Atherton, one share; Chas. H. Atherton, one share; Albert S. Campbell, one share; Philip J. Weaver Jr., one share; Mark P. Robinson, one share; Benjamin D. Bond, one share.

One of the promoters of the company stated yesterday that the new corporation had nothing to do with any Kohala ditch scheme.

NO REASON FOR ALARM JUST NOW

(From Thursday's daily.)

Aid for the Board of Health in its work of sanitation will be furnished by the merchants of the city, if the plans of the Chamber of Commerce and the members of the Merchants' Association, which are to assist by means of inspectors, are carried out. The Chamber heard reports yesterday at its meeting which indicated that there was no fund in the control of the quarantine service for the work which is proposed here, and the committee further said that the conditions in the city are better than had been expected.

There were about twenty members of the chamber present when J. B. Atherton called the meeting to order in the absence of both the president and the vice president. Mr. Atherton reported that the committee which had been appointed to look into sanitary matters had made an investigation, and recommended that there be no changes made in conditions, as the state of the public health was such that there is no necessity for alarm. The committee found that there was nothing which was absolutely and immediately necessary, except the providing the Board of Health with a half dozen more inspectors. The Board asked for twelve, and received an appropriation for six only. This made the work very heavy upon that number.

To provide the full force there would be necessary an addition to the revenues of the Board of $500 a month, and it was recommended that this amount be provided. There was some sentiment in favor of a tonnage tax, and others thought there would be nothing done beyond the asking for subscriptions to the amount named. Committeeman Smith, of the Merchants' Association, was present and endorsed the report of the committee.

Mr. F. A. Schaefer said that care should be taken that there be careful and thorough inspections made of the city, and that there be funds for the use of the fumigating machines whenever they could be of service.

The report of the committee was received and the committee continued, so that it might carry on the work of canvassing for the funds which might be needed for the service.

A design for a seal for the Chamber was submitted by Viggo Jacobsen. The Chamber has never had a seal, and the design submitted is one of classic mould. The figure of Mercury, copied fro mthe bronze statue by Giovannf di Bologna, executed in the sixteenth century, occupies the center of the seal. This figure has been esteemed by artists as the perfection of manly grace. About the circumference of the seal are the words "Honolulu Chamber of Commerce." The lettering is in keeping, being much the same as that which is most in use in the United States, and which also appears on the new coins of the issue of King Edward. The design was referred to a committee composed of Messrs. Allen, Hall and Lowrey.,

A letter was read from A. L. Morris having to do with the plan for advertising the Islands by means of lectures. The letter was laid on the table.

A communication was read from Joseph G. Pratt, a member of the Court of Fire Claims, asking the Chamber to interest itself in the setting aside of a portion of the customs receipts of this port for the payment of fire' claims. The Chamber will take steps to add its weight to efforts now being made to this end.

Letters were received from William Haywood, accepting appointment as attorney for the Chamber, and from Secretary of the Territory Cooper, asking for information as to the history of the Chamber, and later thanking Secretary Spencer for the information furnished by him.

Colonel Allen called attention to the fact that Mr. Weeden, who lectured in the United States during the past summer was present, and Mr. Weeden made a report of what he had done. Mr. Atherton referred to the character of the work, and a vote of thanks was given to Mr. Weeden, and as well to Mr. Frederick Gilman, who delivered one lecture in Honolulu, with Mr. Weeden's aides.

CHRONIC DIARRHOEA.

Mr. C. H. Wingeon, of Fair Play, Mo., U. S. A., who suffered from chronic dysentery for thirty-five years, says Chamberlain's Colic, Cholera and Diarrhoea Remedy did him more good than any other medicine he had ever used. For sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for H. I.

Articles of incorporation have been filed by the Laupahoehoe Racing Association, with a capital of $7,500. The corporation is formed to conduct a racing track at North Hilo.

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE.

NOTICE IS HEREBY GIVEN THAT by virtue of a power of sale contained in that certain mortgage dated the 18th day of June, 1901, made by E. C. Hornef, of Honolulu, Island of Oahu, Territory of Hawaii, to Kenahu Brenig (widow), and of record in liber 220, on pages 363 and 364, the said Kenahu Brenig intends to foreclose said mortgage for a breach of the conditions in said mortgage contained, to wit, the non-payment of the interest when due.

Notice is also hereby given that all and singular the lands, tenements and hereditaments in said mortgage described, will be sold at public auction at the auction room of Will E. Fisher, on the corner of Merchant and Alakea streets, in Honolulu aforesaid, on Saturday, the 22d day of March, 1902, at 12 o'clock noon of that day.

The property covered by said mortgage are those certain lots situate at Kapahulu, Waikiki, Oahu, and more particularly known and designated as lots Nos. 11, 13 and 14, block No. 36, upon a map or diagram of the Kaimuki tract, duly recorded in the Registry of Conveyances, Oahu, in liber 178, on folio 294, containing an area of 45,000 square feet, more or less.

Terms—Cash, United States gold coin. Deeds at the expense of purchaser. Dated Honolulu, February 13, 1902.

KENAHU BRENIG.

For further particulars, inquire of Cecil Brown.

2361—Feb. 28; March 7, 14, 21.

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE.

NOTICE IS HEREBY GIVEN THAT by virtue of a power of sale contained in that certain mortgage dated the 23d day of February, 1901, made by William Henry and Kaipo (w.), his wife, of Honolulu, Island of Oahu, Territory of Hawaii, to Charles Notley Sr., and of record in liber 221, on pages 39 to 41, the said Charles Notley Sr. intends to foreclose said mortgage for breach of the conditions in said mortgage contained, to wit, the non-payment of the interest when due.

Notice is also hereby given that all and singular the lands, tenements and hereditaments in said mortgage described, will be sold at public auction at the auction room of Will E. Fisher, on the corner of Merchant and Alakea streets, in Honolulu aforesaid, on Saturday, the 22d day of March, 1902, at 12 o'clock noon of that day.

The property covered by said mortgage is all that certain piece or parcel of land situate on a lane running off the northeast side of Vineyard street, at Kauluwela, in said Honolulu, and bounded and described as follows:

E hoomaka ana ma ke kihi Hik. 6 kela he 149 5-12 Kap. mai ke kihi Hema mai o ko Kamakau aina a e holo aaa Hema 57 30 Kom. 108 Kap. ma ko Kalaauwalu:

Ak. 57 Kom. 85 Kap. ma Kamakela.

Ak. 50 30 Hik. 136 Kap. ma Kamakela.

Hem. 37 Hik. 91 Kap. a hiki i kahi i hoomaka'i. He 24-100 Eka.

Being a portion of apana 1 of Royal Patent 2101, Land Commission Award 794, to Naihe, and the same premises that were conveyed to said mortgagors by the members of the board of trustees of the Protestant Church of Kaumakapili by deed dated April 27, 1893, of record in liber 155, folios 59-60.

Terms—Cash, United States gold coin. Deeds at the expense of purchaser. Dated Honolulu, February 13, 1902.

CHARLES NOTLEY SR.

For further particulars, inquire of Cecil Brown.

2361—Feb. 28; March 7, 14, 21.

DISSOLUTION OF COPARTNERSHIP.

NOTICE IS HEREBY GIVEN THAT the copartnership carried on under the name and style of WING WO LUNG COMPANY, doing business as dealers in general merchandise at No. 21 Hotel street, city of Honolulu, T. H., consisting of the following named parties, viz: T. Ah Hung, GooWan Hoy, T. Ah Moi, T. Ah King, T. Ah Ping, T. Ah Tong, G. Ako by Goo Wo Ako Jr., Look Wo Tong, T. Ah Heen, Sai On Kee by Ho Leong, agent; Goo Quon Heen, C. Kim Fook, Wong Yin Quai, all of Honolulu, and Pow Lung, Goo Lan Ching, Goo Ching Tong and Goo Chu Tong, of Hongkong, is this day dissolved.

The business of the late copartnership will be conducted under the name of WING WO LUNG CO., LTD., which is owned by the above named parties, and which assumes the assets and liabilities of the said copartnership. The change is made for the purpose of introducing new capital from Hongkong.

Honolulu, December 31, 1902.

T. AHUNG,
GOO WAN HOY,
POW LUNG,
GOO LAN CHING,
GOO CHING TONG,
GOO CHU TONG,
By Goo Wan Hoy, Attorney-in-fact;
T. AH MOI,
T. AH LING,
SOI ON KEE,
By Ho Leong, Agents;
LOOK WO TONG,
By Ho Leong, Agents;
T. AH KING,
TEAN AH HENG,
GOO QUON HEEN,
G. AKO,
2365 By Goo Wo Ako Jr
CHUNG KIM FOOK,
WONG YIN QUAI,
T. AH TONG,

2365—March 7, 14, 21, 28.

IS CARTOON CONTEMPT?

Judge Gear Cites Advertiser's Editor.

(From Thursday's Daily.)

The publication of a cartoon in yesterday's Advertiser is held by Judge Gear to be contempt, and acting upon the motion of Attorney Bitting, he issued a citation for the appearance of Walter G. Smith, as editor, in court at 9 o'clock this morning. The citation was issued shortly before 1 o'clock yesterday, returnable at 2, but service was not had in time for appearance in court at that hour, and continuance was then granted. In the meantime the case of William McCarthy, which is now on trial, was continued, Bitting in his motion asking that the jury now sitting on the case be discharged, as having been prejudiced.

Upon the opening of court yesterday morning, Mr. Bitting presented a motion for continuance, based upon the following grounds:

"That this cause is set for trial before a jury which has been duly impannelled and sworn to try said cause, upon this the 12th day of March, A. D. 1902, and that this cause is now pending and in progress of trial in this court.

"That including the allegation in the first paragraph hereof contained and notwithstanding the prohibition of the law, on this the 12th day of March, A. D. 1902, and while this cause is pending and actually on trial in this court, a certain newspaper published in Honolulu, Island of Oahu, Territory of Hawaii, and within this jurisdiction, called and headed as 'The Pacific Commercial Advertiser,' published a ridiculous, absurd, libellous and unlawful cartoon, meant and intended to be suggestive and contumelious of this honorable judge before whom this trial is pending, and tending and intending to prejudice the public respecting the trial of said cause and particularly against the honorable judge now presiding over the trial of this cause, and to obstruct and pervert the administration of justice; and,

"That said publication is a knowing and malicious invention against the court, and was intended and is intended to bring said court into ridicule, contempt, discredit and odium."

Judge Gear took the view that the trial of the case having been started, the cartoon was contempt, and he quoted from the penal code relating to contempt of court. He said further:

"Personally, I care nothing about the articles and pictures. They are a source of amusement to me. I took this oath to administer justice to the best of my ability and knowledge of law, and it is a matter of indifference to me how many untrue animadversions upon me are made. In the present instance McCarthy was released because there is no such crime as mayhem in the Hawaiian statutes. If he had been sentenced he could have been released on habeas corpus. There is no question about that, and if there is any one in Oahu jail serving for mayhem now, he may be released on habeas corpus. The decision was not only mine, but that of Judge Robinson sitting with me."

The court stated further that he had been misrepresented by the papers in their publishing that he had released the Williams boys, when in fact they had been acquitted by a jury. "Time after time," said the court, "the newspapers published comments upon, and wrongful reports of, cases in this court, in total disregard of the penal laws or of decency and right. This court administers law to the best of its ability and knowledge, and if there are errors, they are errors of judgment to which all courts are liable."

Judge Gear continued the matter until 11 o'clock in order to give Bitting time to prepare the necessary affidavits and the jury was excused until 2 o'clock. Bitting evidently didn't believe the matter of immediate importance, for it was 12 o'clock before he finally leisurely walked into court with the necessary papers, though Judge Gear had been impatiently waiting on the bench for nearly an hour.

Judge Robinson and Judge Humphreys appeared with Judge Gear upon the bench when the matter was called up for the second time at 12 o'clock. Bitting began to apologize for keeping the court waiting, when Gear interrupted, telling him to present his affidavit.

Mr. Bitting then began to read the affidavit reciting the trial of the first case against McCarthy, the conviction by a jury, and the subsequent action of Judge Gear in releasing him, on the ground that the crime of mayhem had no place in the Hawaiian statutes. The affidavit was based upon section 257 of the Penal Code of 1897. The affidavit closed with following specific charge:

"That on this 12th day of March, A. D. 1902, at Honolulu, Island of Oahu, Territory of Hawaii, and within the jurisdiction of this Honorable Court, the said the Pacific Commercial Advertiser, a newspaper printed, published and of general circulation within said Honolulu, the said Walter G. Smith, editor, and ——, its agents, owners, officers, servants and employes did make and publish for circulation, an insulting, contemptuous, contumelious, disrespectful cartoon or picture, intending and meaning thereby to throw disrespect upon the Honorable George D. Gear, one of the judges of said court, and the presiding judge at both of the trials hereinbefore named; and in said cartoon or picture intending to and attempting to represent the former action in a ludicrous and disgraceful manner of him the said Honorable George D. Gear in his official and judicial capacity, as well as to prejudice the case of said defendant in the minds of the public, and that by reason of said insulting, contemptuous, contumelious and disrespectful picture or cartoon, and intending to publish animadversions on the evidence or proceedings in a pending trial tending to prejudice the public respecting the same, and to obstruct and prevent the administration of justice; and by knowingly publishing an unfair report of the proceedings of the court, and malicious invectives against the court and jury, tending to bring such court and jury, and the administration of justice into ridicule, contempt, discredit and odium, did then and there and thereby commit a contempt of court."

"I will issue the order, the court will issue the order, returnable forthwith," said Judge Gear.

The matter was thought to be closed, when Judge Humphreys remarked:

"As First Judge of the First Circuit, I was invited by Judge Gear to sit with him during the hearing of the matter pending, which I deem to be proper. This case affords a striking instance of the attitude of the attorney general and his deputies toward the judges of the United States Courts. If the attorney general or his employes were inspired by any sense of the honor, decency or proprieties of their positions, the attorney for the defendant would not be here in the capacity which he is compelled to take, owing to the attitude of the attorney general's department. The attitude of the attorney general and his employes has been one of hostility to the judges up to this time."

"Both judges have consented to sit with me," said Judge Gear, by way of explanation.

"I might say in justice to myself," said Deputy Attorney General Douthitt, in response to the remarks of Judge Humphreys, "that I did not reach the court room this morning until twenty-five minutes before ten, and that Mr. Bitting immediately presented his motion. He took the bull by the horns, and appearing for the defendant, made the application. I am here as an attorney employed by the attorney general's department to try criminal cases."

Again Humphreys broke the silence. "The statement of the deputy attorney general in this matter is plausible," said he, "but it does not bear upon the continued attacks by malicious and unscrupulous persons in this Territory upon the courts. The attorney general should be bound by principles of honor and decency, and loyalty to the court; but in reference to none of these principles has he shown any appreciation."

George Davis had entered the court room in the mean time, and started out as usual with a long and violent tirade, when Judge Humphreys again interrupted: "These proceedings won't be necessary whenever we get judges appointed by the governor."

Then Davis was allowed to thrash about at will, and said that no words, even those of Judge Humphreys, could be too strong to condemn the dastardly attempt to bring the administration of justice in this Territory into disrepute, and to condemn the cowardly and dastardly course of the attorney general. These attacks, he said, must cease, and he was willing to do all he could to uphold the court. Then Judge Gear remarked that he was in a measure concerned in the case, and thought it proper that the court should be represented by counsel, so he appointed George Davis to appear in his behalf. Adjournment was taken at this time to 3 o'clock.

When court was convened again at 3 o'clock the room was crowded with attorneys and spectators. The three judges again took seats upon the bench and Judge Gear inquired if any return had been made upon the citation. Mr. Bitting replied that he had given the papers to Deputy Sheriff Chillingworth to serve, and he knew nothing further of the matter. The clerk here appeared with the papers, and they were handed to Mr. Davis, who read from the return that no service had been made upon Walter G. Smith, as he could not be found up to the appointed hour, though due and diligent search had been made. Davis then asked that the return be amended, and the matter go over to this morning, though he said McGurn had told him that he had arrived at the Advertiser office ten minutes after Mr. Smith had left. He suggested that Mr. Smith must have known of the citation, and it was his duty to appear anyway, service or no service, and he thought that a bench warrant should be issued for his arrest.

W. O. Smith came forward and said that he appeared in the case. Gear wanted to know if he had not consulted Editor Smith during the afternoon, to which Mr. Smith replied in the negative, saying that he had been retained by the corporation. Mr. Andrews said that he also appeared, and would like an extension of time, in order to make a proper return, but he had so far been unable to see a copy of the citation.

Judge Gear had been presiding up to this time, but here Humphreys again took the reins in his own hands, and remarked: "It is all nonsense to talk about not having time. You know what your paper is publishing, and when an article of this kind appears, should be ready to answer for contempt. It does not appear to me that he can appear by attorneys until he purges himself of contempt."

"We certainly have a right to appear in court upon the question as to whether or not this is contempt," replied Mr. Andrews.

Mr. W. O. Smith replied that he was certain there was no intention on the part of Mr. Smith to evade the summons. Then Bailiff Hopkins was sent to telephone the Advertiser office as to Mr. Smith's whereabouts, and reported that he was not expected to return until 5 o'clock. Judge Gear thereupon resumed duty, and adjourned court until this morning at 9 o'clock, the citation being made returnable at that hour.

In the meantime, as has been his afternoon custom, of late, Mr. Smith was up the Manoa valley looking after a house he is having built.

SAME POWER AS DISTRICT COURTS

Judge Robinson yesterday overruled the motion of defendant in the case of Charles Malaia, charged with assault, to quash the indictment on the ground that the grand jury had no power to indict for misdemeanor. The court held that the circuit judges have the same power as the district magistrate, and consequently the grand jury had a right to indict. The jury, however, returned a verdict of acquittal, after coming into court once and reporting a disagreement. Further instructions were asked as to assault, and the court instructed that an attempt at rape was not necessarily assault.

Malaia still has three charges hanging over him.

SUPREME COURT.

In Supreme Court yesterday the following cases were heard: Territory vs. Joseph Castro, E. Armitage vs. E. F. Bishop, administrator, and Mary P. Keana vs. Kaohi.

COURT NOTES.

An amendment to the Supreme Court rule regarding transcripts of evidence was made yesterday, requiring that note of the date of furnishing transcript be noted. The transcript need not be furnished by the stenographer until he is paid for it, and must be filed ten days before the hearing of a case.

Herbert G. Middlebrook has made application for license to practice law in the district courts.

The annual accounts of W. O. Smith, trustee of the estate of Achi K. Akau, were filed yesterday. The receipts were $1,100, disbursements, $1,081.75.

The annual accounts of W. O. Smith, guardian of the estate of Bill Bray, a minor, were filed yesterday. A balance on hand for the year is shown to be $250.50.

The inventory of the estate of Maria L. Hoffman was filed yesterday, showing personal property amounting to $41,611.59, and real estate valued at $19,000.

Judge Humphreys yesterday filed a written decision denying the petition of Gladys Fisher, a minor, for permission to assign her interest in the life insurance policies of her father, Will E. Fisher, to him.

J. Fukushima has sued Morihiro for $2,000 damages for malicious prosecution.

The Ralston Iron Works has given notice of materialman's lien for $805.91, against J. P. Mendonca and Hawaiian Iron Fence and Monumental Company.

Judge Gear yesterday cancelled the $5,000 bond given by J. W. Hall, and the defendant was arrested and brought into court. The bond was allowed to stand until today, and Hall ordered to get a new surety.

The following material and labor liens were filed against the Kona Sugar Company yesterday: A. Esser, $155; Joseph Kasick, $474; M. G. Norris, $44.55; Charles Cowan, $117.50; S. J. Stewart, $883; Frank Guard, $233.30; W. C. J. Ottman, $336.50; C. D. Ray, $285; Thomas McMillan, $173.50; J. Phillips, $375.

The annual accounts of the trustees of the B. P. Bishop Museum were filed yesterday for the year ending October 12, 1901, showing receipts of $229,092.27, and expenditures of $198,410.19, leaving a balance of $30,682.08. The inventory shows more of the tabooed bonds, in Oahu Sugar Company—$50,000. The entire personal property and real estate is valued at $409,156.76.

FULLER CASE BEFORE ESTEE

Judge Estee heard the libel of the A. J. Fuller yesterday and the trial is to be continued this morning at 10:30 o'clock. The Federal court room was crowded with the plaintiffs, some thirteen or fourteen sailors of the ship, who complained that they had been put on short rations for 40 days, and demanded $20 apiece from the skipper. The testimony was of an extremely interesting nature, the sailor-plaintiffs all coinciding in the story of short rations. They claimed that they had been kept with little food for the greater part of the voyage, and one sailor said that 16 men had nothing for four days excepting two buckets of water.

Shipping Commissioner Boyd was also a witness for the plaintiffs, but his story was rather an aid to the defense, he stating that the skipper was willing to arbitrate the question, while the men refused to do so, until they knew what the decision was to be.

Captain Haskell denied in toto all the accusations of the sailors. The plaintiffs' attorney asked if what the sailors had testified to was true, to which Haskell replied dramatically, rising in his seat and raising his right hand: "So help me God, those stories are not true." The captain stated that six of the men were put in irons, and on rations of bread and water for mutiny at Sydney, and said that the sole cause for the complaint of the men was the fact that four Italians had been shipped on the crew.

He said further that the voyage was one which ordinarily takes but 55 days, while this one because of light winds, occupied 81 days, and he admitted being short of rations one day. Additional supplies had been taken from the bark Kaiulani, but up to that time there had been enough to eat. During the two weeks the crew was short of the rations prescribed by the regulations, they had been supplied with other food instead.

The captain was still on the stand when an adjournment was taken to this morning.

TRANSPORT WARREN STILL IN PORT

The transport Warren did not depart yesterday as given out from the ship on Tuesday night. It is reported that she will surely get away today, but nothing definite could be ascertained.

It was learned, however, from reliable sources that the Warren is not likely to sail for several days yet, even if she ever does get away from this port at all. While nothing in the shape of confirmation could be obtained yesterday, it was very generally rumored along the waterfront that the Honolulu Iron Works, which had been engaged to repair the Warren's boilers had, after a thorough inspection, decided to have nothing more to do with the job. It is said that Catton, Neill & Co. were then engaged, and are putting angle irons into the damaged boilers.

It is understood that two barrels of salt were found in one of the transport's boilers. This must either have been put in intentionally, or its presence is due to gross neglect on the part of the engineer's department of the vessel.

All the troops slept on board the Warren last night.

Condor Boom Found.

VICTORIA, B. C., March 4.—With the return of the steamer Queen City, arriving tonight after a rough passage from the west coast, more evidences of the loss of the Condor were received. The boom of the lost warship has drifted ashore at Long Beach near Cclulet. This boom, which is of hardwood, is stamped with the name of the warship, and is positively from her.

The City of Peking brought 450 Japanese.

STORMS ARE WIDESPREAD

Heavy Losses From Floods and Snow.

NEW YORK, March 5.—Another snowstorm, which threatens to do much damage started at 4 o'clock this morning, and at 8 o'clock two inches had fallen. The snow was wet and heavy and caused much inconvenience and considerable delay to traffic on elevated and surface lines. On the river the weather was so thick that ferryboats were unable to run at more than half-speed. The snow was accompanied by a moderate wind. The thermometer stood at 29 degrees at 9 a. m.

Telegraphic service was further demoralized by the storm. The Western Union Company lost twenty out of thirty wires between New York and Philadelphia, and ten wires south of Philadelphia, between 9 and 11 o'clock. The company reported that it was losing wires in all directions on account of the heavy snow which in some localities was followed by sleet. Between Easton and Williamsport, Pa., twenty miles of Western Union poles are down. Up to 11:30 there was no sign of improvement in the weather, the snow continuing to fall heavily.

The train service on the New York Central Railroad, which was disorganized by the floods, was further impeded by the snow. The trains from the west and north are in bad shape. No attempt was made to run the Adirondack express. Of the Chicago express, due at 10 a. m., no report had been received up to 11 o'clock. It was stalled somewhere along the line, with no means of reporting its whereabouts or condition.

PARKERSBURG, W. Va., March 5.—The central and western portions of the State are covered this morning with a heavy snowfall. It is still snowing. If the snow should melt quickly there would be cause for alarm among residents of the lowlands in the Ohio Valley.

HUNTINGTON, W. Va., March 5.—A snowstorm has been raging in southern West Virginia for twenty hours. In the Ohio Valley snow is fourteen inches deep. In the mountainous districts it is twenty to thirty inches. All street car traffic is suspended in Ohio river towns. Railway traffic is greatly impeded.

WASHINGTON, March 5.—A combined storm of wind, snow and sleet prevailed here last night and part of today, and threatened for a time to assume serious proportions. Over an inch of snow and rain was precipitated. The forecast officials say that the storm is not sufficient to bring the Potomac again to the flood level.

YORK, Pa., March 5.—The heaviest snowstorm of the season set in here last night, and the ground is now covered to a depth of twelve inches. All trains on the Frederick division of the Pennsylvania Railroad have been annulled. Two trains were stalled on the Columbia bridge this morning. Between Hanover, Pa., and Frederick, Md., the entire road is practically drifted shut.

PITTSBURG, Pa., March 5.—The heaviest snowstorm of the winter set in about midnight, and at noon today it is still snowing. The snow is now seven inches deep, and the indications are for continued snow today and tomorrow. Street car traffic is almost at a standstill in both Pittsburg and Allegheny, while the cars to and from the suburbs are making but few trips. The railroads are also suffering to some extent. The local telephone wires are in bad shape.

CHICAGO, Feb. 28.—Torrential rains, washouts, tornadoes in the southeast; floods, breaking of dams and ice gorges in Pennsylvania; copious and devastating rains in the Middle Atlantic States; snow blizzards in Minnesota and the Dakotas, were the reports that came in over the crippled telegraph lines. Reports of death and disaster from the South are widespread.

TELLURIDE, Col., Feb. 28.—Fourteen dead; as many more injured, and a score missing, is the result of a series of snowslides near here.

ATLANTA, Ga., Feb. 28.—Yesterday's storm spread disaster through Georgia, Alabama, Tennessee, Virginia, North and South Carolina and Florida. No trains have passed through on the Seaboard north for Atlanta in twenty-four hours. Several people were killed in a cyclone. Railroad tracks at Jackson are five feet under water.

SAN FRANCISCO, March 2.—This city was practically cut off from the rest of the world last night, the storm playing havoc with telegraph and telephone wires.

PATERSON, N. J., March 2.—This city, recently swept by fire, is overwhelmed by flood. Hundreds of families have been made homeless by the overflow of the Passaic. The city is many feet under water, and one life is thus far lost.

ALLEGHENY, Pa., March 2.—The flood waters have receded after submerging much of this city, and traffic is being resumed. The damage to the city is estimated at $1,250,000.

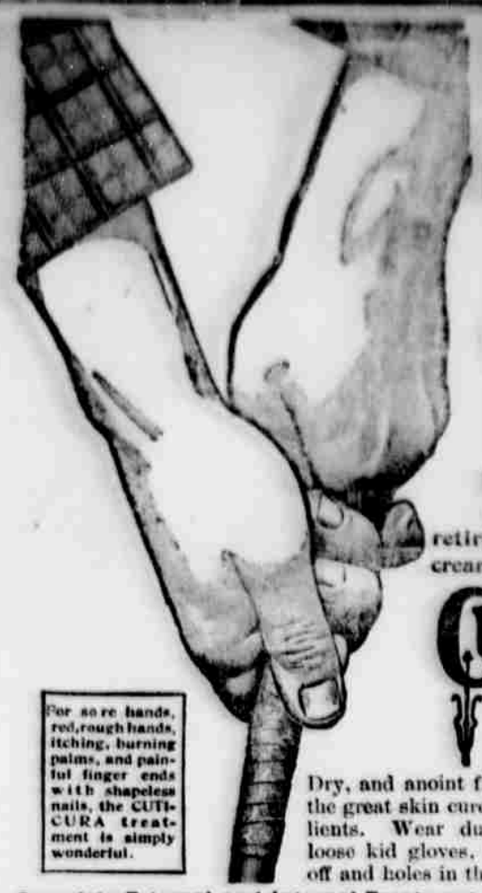
WHEELING, W. Va., March 2.—Wheeling is tonight in the grasp of the worst flood it has experienced since 1884. The maximum was reached tonight, 43 feet 3 inches. In all, 20,000 men are idle, through mills being under water.

NEW YORK, March 3.—Not a western train entered the Grand Central station today. Not for many years have the mails been so delayed as during the last three days.

A PRINTER GREATLY SURPRISED.

"I never was so much surprised in my life, as I was with the results of using Chamberlain's Pain Balm," says Henry T. Crook, pressman of the Asheville (N. C., U. S. A.) Gazette. "I contracted a severe case of rheumatism early last winter by getting my feet wet. I tried several things for it without benefit. One day while looking over the Gazette, I noticed that Pain Balm was positively guaranteed to cure rheumatism, so bought a bottle of it, and before using two-thirds of it my rheumatism had taken its flight and I have not had a rheumatic pain since." Sold by all druggists and dealers. Benson, Smith & Co., Ltd., agents for H. I.

Capt. J. F. Janes will, it is said, embark in the fishing industry in the near future.



GOLF HANDS
Red Rough Hands
ONE NIGHT CURE.
Soak the hands on retiring in a strong hot creamy lather of
Cuticura SOAP

For sore hands, red, rough hands, itching, burning palms, and painful finger ends with shapeless nails, the CUTICURA treatment is simply wonderful.

Dry, and anoint freely with CUTICURA, the great skin cure and purest of emollients. Wear during the night old, loose kid gloves, with finger ends cut off and holes in the palms.

Complete External and Internal Treatment for Every Humour, Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure torturing, disfiguring humours, with loss of hair, when all else fails. Aust. depot: R. Towns & Co., Sydney, N. S. W. So. African depot: Lennon Ltd., Cape Town. "All about the Skin, Hands, and Hair," free. POTTER DRUG AND CHEM. CORP., Sole Props., Boston, U. S. A.

Pacific Mail Steamship Co.

Occidental & Oriental S.S. Co. and Toyo Kisen Kaisha.

Steamers of the above companies will call at Honolulu and leave this port on or about the dates below mentioned:

FOR CHINA AND JAPAN.		FOR SAN FRANCISCO.	
PERU	MARCH 12	PEKING	MARCH 12
COPTIC	MARCH 20	GAELIC	MARCH 23
AMERICA MARU	MARCH 28	HONGKONG MARU	MARCH 29
PEKING	APRIL 5	CHINA	APRIL 8
GAELIC	APRIL 15	DORIC	APRIL 15
HONGKONG MARU	APRIL 22	NIPPON MARU	APRIL 25
CHINA	APRIL 30	PEKING	MAY 2
DORIC	MAY 8		

For general information apply to P. M. S. S. Co.

H. Hackfeld & Co., Ltd.

AGENTS.

1902 Columbia Chainless Bicycles

The Columbia Chainless of today shows the highest development yet attained in bicycle building. Light running up-hill or on the level and fitted with the best coaster brake for down grades. Cushion frame make it easy riding.

$85.00

Is the price, with choice of tires, saddle, pedals, etc.

Sold for Cash or on Installments.

E. O. Hall & Son, Ltd.

Ehlers' Block, Fort Street.

YOUR ORDER

Is what we want. Just a telephone message to the Brewery, Main 341, for a case of

PRIMO LAGER

It won't be the last order we get from you. You will find it the best tonic and a delightful beverage.

Censure for Senatorial Sluggers.

WASHINGTON, February 27.—The sub-committee of the Committee on Privileges and Elections, which was appointed yesterday to formulate a proposition for the proper punishment of Senators Tillman and McLaurin of South Carolina for their offense to the Senate of last Saturday, today practically concluded to recommend that the two Senators be severely censured for their conduct and to limit the punishment to censure. There are reasons which led the republican members of the sub-committee to agree to a resolution of censure.

WHARF AND WAVE.

ARRIVED.

Tuesday, March 11.

Str. Mikahala, Gregory, from Nawiliwili, Koloa and Hanamaulu; 8:05 a. m.

Stp. Kaiulani, from Ahu's landing; 12:30 p. m.

S. S. City of Peking, Smith, from the Orient; 6 p. m.

Str. Manoa Lea, Sinerson, from Lahaina, Maalaea, Kona and Kau ports; 10 a. m.

Am. bk. Olympic, Evans, 21 days from San Francisco; 2:20 p. m.

Str. Nihau, W. Thompson, from Honokaa and Kukuihaele; 12:10 p. m.

Am. schr. James H. Bruce, F. Miller, 26 days from Grays Harbor; 11 a. m.

Am. schr. King Cyrus, Johnson, 60 days from Newcastle; 12 m.

Wednesday, March 12.

S. S. Aorangi, Phillips, from Brisbane and Sydney; 7:20 p. m.

S. S. Peru, Pillsbury, from San Francisco; 3 p. m.

Str. Noeau, Pederson, from Hilo, Honokaa, Waipio, Kukuihaele, Lahaina and Kaanapali, at 8:30 p. m., with 2,855 bags sugar, 3 packages sundries.

Str. Ke Au Hou, Mosher, from Kilauea, at 5:40 a. m., with 5,603 bags sugar and 4 packages sundries.

Str. Iwalani, Greene, from Koloa, Eleele, Makaweli, at 2:45 a. m., with 2,750 bags sugar, 13 barrels empty bottles, 3 gasoline tanks, 24 packages sundries.

Thursday, March 13.

U. S. A. T. Egbert, from Manila; 5:30 p. m.

Schr. Charles Levi Woodbury, Harris, from Hilo; 8 a. m.

Schr. Concord, Mana, from Hilo and Paauilo; 9:30 a. m.

Schr. Ka Moi, Nipa, from Paauilo.

DEPARTED.

Tuesday, March 11.

Am. schr. W. H. Marston, Curtis, for San Francisco; 11 a. m.

Str. Waialeale, Piltz, for Waimea and Eleele; 4 p. m.

Str. James Makee, Tullett, for Anahola and Kilauea; 4 p. m.

Schr. Kawaiiani, Moses, for Koolau ports; 5 p. m.

Str. Lehua, Napala, for Maui and Molokai ports; 5 p. m.

Br. sp. Peter Iredale, Lawrence, for Royal Roads; 7 a. m.; in ballast.

Am. bk. Sonoma, Stansland, for the Sound, in ballast.

Str. Claudine, Parker, for Maui ports; 5 p. m.

Str. Kinau, Freeman, for Hilo and way ports; 12 m.

Str. W. G. Hall, S. Thompson, for Kauai ports; 5 p. m.

Wednesday, March 12.

Am. bk. Sonoma, Stansland, for the Sound in ballast; 7 a. m.

Str. Nihau, W. Thompson, for Kahului and Kilauea; 5 p. m.

S. S. Aorangi, Phillips, for Vancouver and Victoria; 4 p. m.

S. S. City of Peking, Smith, for San Francisco; 3 p. m.

Am. bkt. S. G. Wilder, Jackson, for San Francisco; 2 p. m.

Thursday, March 13.

S. S. Peru, Pillsbury, for the Orient and Manila; 10 a. m.

Str. Mikahala, Gregory, for Kauai ports; 5 p. m.

U. S. N. collier Alexander, Nickels, for Norfolk, Va.; 5:30 p. m.

NO MORE CATTLE FROM NEW ZEALAND

The Collector of Customs has received a decision dated February 27, from the Treasury Department, to the effect that the importation of cattle from New Zealand to the United States is prohibited. The decision says, in part:

That as Hawaii is now a part of the United States, the regulations of this Department, and of the Department of Agriculture, regarding the inspection and quarantine of imported animals, the prohibition of importation of animals, and the disinfection of the hides of neat cattle, as contained in circulars of February 16, 1900 (T. D., 22,014), June 28, 1900 (T. D., 22,316), and July 30, 1901 (T. D., 23,212), are applicable in your district.

As the Secretary of Agriculture reports that cattle diseases exist in New Zealand, the importation of cattle from that country is prohibited, and the hides of such cattle must be disinfected.

THE SERVANT QUESTION.

Do your servants rule you or do you rule your servants? The liver is one of your servants. Does it do what you want, or do you have to coax and humor it to get any service out of it? The heart is another servant, the stomach another, the kidneys are two more. Do they do your will and your work, or do you have to do their will and work for them? When a man or woman says "I can't exert myself on account of my heart," "I'd like to eat that but my stomach won't allow me," "I've got to be careful what I drink because my kidneys do not work as they ought," then the servants have the upper hand. Good service is quiet service. The best servants make no fuss, but serve so quietly you don't realize you are being waited on. The organs of the body should serve like that, quietly; liver, kidneys, heart, lungs, all doing their work so easily there seems no work to do. How is it with your servants? Have you to be careful what you eat, drink or do? Then your servants are ruling you. Master them, or in the end they will master you. Try the great vegetable remedy, Sagwa, if your stomach does not serve you, if your kidneys are sluggish, if your liver is slow and lazy, if your heart is irregular in its action, Sagwa stops the friction, and so makes the service lighter. Sagwa strengthens the servants and at the same time makes their work easier by removing obstructions from the system. A course of Sagwa will give refreshing sleep, a good appetite, a healthy body and a happy mind. That is the natural condition of every man, and Sagwa restores that condition by removing the refuse that clogs the body and prevents the proper action of its servants.

HOBRON DRUG COMPANY, agents for Kickapoo Medicines.

Last night about 10 o'clock a native named Kaaihue fell from the top of a two-story house in Robello Lane and struck his head on wooden fence picket. The patrol wagon was sent to the scene and the injured man was conveyed to the Queen's Hospital, where he succumbed immediately after admission.

The picket pierced the unfortunate man's head, making a frightful wound. What deceased was doing on the top of the house at that hour of the night has not been ascertained.

VERDICT ALMOST THE SAME

Must Pay Honolulu Plantation Sum of $102,523.

(From Wednesday's Daily.)

The jury in the second trial of the case of the United States vs. the Honolulu Plantation Company returned a verdict at 10:30 o'clock last evening assessing the value of the leasehold and improvements at $102,523.

The finding of the jury is about $2500 less than that given at the first trial, which was $105,000, and which Judge Estee set aside as excessive, ordering a reduction of $30,000, which being refused by defendant, he allowed a new trial. Notice of motion for a new trial was given both by the plaintiff and defendant, though Mr. Milverton appearing for the latter stated that the defendant's motion would hardly be pressed.

The finding of the second jury is peculiar. Upon the first trial the value of the leasehold was estimated at $89,792 and of the improvements at $15,208. This jury places a value of $5000 more upon the leasehold, or $84,000, while its estimate of the value of the improvements is but $8523, or about $7000 less than that of the first jury. The estimate per acre upon the leasehold interest is approximately $167, taking into account the entire 561 acres, arable and waste, while if the arable land alone is considered the estimate is $276 per acre.

Judge Silliman opened the argument yesterday morning, and concluded at noon. Mr. Dunne finished shortly after 3 o'clock, and the jury was immediately instructed. At 7 o'clock no agreement having been reached Marshal Hendry took the jury to dinner at the Hawaiian Hotel. At 9:30 o'clock an agreement was announced, but it was over an hour before the attorneys could be brought into court. The jury was first called, and the verdict then handed to Clerk Maling, who read as follows:

United States of America, District of Hawaii.—In the District Court of the United States in and for the District of Hawaii.

The United States of America, Plaintiff and Petitioner, vs. the Honolulu Plantation Company, a Corporation, et al., Defendant and Respondent.

VERDICT.

We, the jury in the above entitled action, upon the issues framed in said action between the above named plaintiff and petitioner, and the Honolulu Plantation Company, a corporation, defendant and respondent above named, find the following verdict, to wit:

1. We find that the above named plaintiff and petitioner is entitled to have all the right, title, interest and estate of said the Honolulu Plantation Company, a corporation, said defendant and respondent, in and to the tract and parcel of land involved herein, and hereinafter more particularly described, condemned for the uses and purposes set out in the petition on file herein, and to take, hold and acquire said tract and parcel of land and its appurtenances in fee simple absolute, for the public uses and purposes in said petition set out.

2. We find the value of all improvements upon the property condemned in the above entitled action to be $8,523.

3. We find the value of the property condemned in the above entitled action, to wit, the leasehold interest of said defendant, said the Honolulu Plantation Company, a corporation, in and to the tract and parcel of land condemned herein, and hereinafter more particularly described, to be $94,000, in United States gold goin.

4. As to that part of the property condemned herein which constitutes only a portion of the larger tract, we find and assess the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the above named plaintiff and petitioner, to be nothing.

5. As to that part of the property condemned herein which constitutes only a portion of a larger tract, we find and assess the benefits to the portion not sought to be condemned by the construction of the improvements proposed by said plaintiff and petitioner, to be nothing.

The tract and parcel of land hereinabove in this verdict referred to is situated as follows, to wit:

In the District of Ewa, in and about the Harbor of Pearl Lochs, sometimes called Pearl Harbor, in the Island of Oahu, in the Territory and District of Hawaii, in the United States of America, and is bounded and particularly described as follows, to wit:

Beginning at a point on the mauka or east side of the right of way of the Oahu Land and Railway Company's railroad, east, magnetic, from the corner of that certain fish pond dam situate near the north end of Kuahua Island;

(1) Thence east magnetic 780 feet to a point;

(2) Thence south 22° 30' east magnetic 2,804 feet to a point;

(3) Thence south 47° 31½' west magnetic 3,333 feet to a point;

(4) Thence south 69° 04' west magnetic 6,370 feet to a point;

(5) Thence north 43° 42 1-3' west magnetic 2,686.6 feet to a point on the shore line;

Thence following the shore line to the eastward and southward to the point where the railroad first meets the shore line, Ewa, or west, of Puuloa station; thence following the mauka or east side of said right of way of said railroad with all its tangents and curves to the point of beginning (saving and excepting the right of way of said railway situate and lying between where course 3 above noted, crosses said right of way, and where the shore line crosses said right of way about 700 feet northward of course 3, which section of right of way is not included in this tract); containing 561.2 acres, more or less.

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Dated Honolulu, Hawaii, March 11, 1902.

A. BARNES,
Foreman of said Jury.

Mr. Dunne rose immediately and on behalf of the government, noted exceptions on the ground that the verdict was excessive, and contrary to the evidence and instructions of the court. He gave notice of intention to file a motion for new trial. Mr. F. W. Milverton, on behalf of the Honolulu Plantation Company, also excepted to the verdict, but stated that he did so to preserve the rights of the defendant until Manager Low had been communicated with. He believed, however, that the verdict was entirely satisfactory, and that the motion for a new trial would not be made.

Judge Estee then thanked the jurymen for their earnest and careful attention and excused them for the term. The fine of $3.31 imposed upon one of the jurors for being late was remitted.

THE EARLY PROCEEDINGS.

Upon the opening of court and of Judge Silliman's argument to the jury, there was a scene not down on the program. Mr. Dunne, on the day previous, had occupied his time chiefly with a denunciation of the plantation men who had testified for the defendant, and Mr. Silliman, when it came to his turn, replied in kind. He said that the United States was not building the naval station for the benefit of Hawaii, but for its own good, and for the protection of the Pacific coast. As for the distribution of money in the Islands, Silliman said that the United States was taking away a million and a quarter in customs duties annually, and spending very little of it here. Though loving the United States, which was his native country, he contended that it was an outrage on the part of its representatives to attempt to take this Pearl Harbor land without adequate compensation. The United States was well able to pay for it, and the people of the Territory should be treated with fairness, which he contended, had not been the general policy of the central government toward this country or its people, nor was it treating the defendant in this case properly. Mr. Silliman was finally interrupted by the Court, with the remark that he should discuss the case and not the United States. Mr. Dunne chipped in that he couldn't sit still and hear the United States assailed in that manner. The argument finally proceeded without further interruption.

The jury was instructed, at the conclusion of Mr. Dunne's address, very much on the lines laid down in the first trial. Judge Estee described the condemned property, and the various leases, by which it came into the possession of the defendant. The jury was instructed that it could not consider the "mere speculative or possible value of sugar that might be produced in the future on this land."

All improvements on the land, the Court instructed the jury, became the property of the Bishop Estate upon the termination of the lease. Instructions were given also not to consider the mill, pumping plants, or anything not upon the 561 acres to be condemned. The written admission of the defendant, in the form of tax returns, and the statement filed with the Treasurer, the jury was also instructed to consider. The jury was further instructed: "It is also your duty to consider that that this land is not now appropriated to any valuable use, that .. is not now producing a crop."

Testimony relative to favorable places for wharves along the line of the property, the jury was instructed to ignore, on the ground that the United States already owned those rights by virtue of a treaty with King Kalakaua. In conclusion the Court said:

It will be seen by the terms of said treaty of 1887 that the United States then secured the exclusive right to the land-locked waters of Pearl Harbor, and so while private parties may own land bordering on these waters, the waters themselves have belonged to the United States since the date of that treaty.

I therefore instruct you, that in reaching a verdict you are not to consider or place any value upon said inland waters as belonging to the private parties now litigating with the United States government, because although the treaty made between the Kingdom of Hawaii and the United States of America in 1887, by which Pearl Harbor was ceded to the United States did not in any way affect private ownership in the lands fronting on said harbor, those parties have no interest other than that of every citizen of the United States in the sloughs and waters of Pearl Harbor, for these inland waters are now and since 1887, have been the property of the United States.

In conclusion let me say to you that the evidence in this case is very conflicting, and without commenting upon the testimony of any one witness, I instruct you that in considering the testimony of all the witnesses in this case, you may accept such portions thereof as you may believe to be true, or reject such portions thereof as you may believe to be false. If the statements of any one or more witnesses are so unreasonable or improbable as that upon their face they do not carry conviction of their truth to your minds, you are liberty to reject all or any part thereof (85 N. Y., 377).

Gentlemen of the jury, under the pleadings in this case, there is but one issue involved—the amount of the just compensation to be awarded to the defendant for the taking of its property.

You must therefore find for the plaintiff a verdict condemning the leasehold interest of the defendant, the Honolulu Plantation Company in and to the 561.2 acres of land owned by the government, and you must find a verdict in favor of the defendant for the amount of the compensation which from all the testimony you shall deem just.

ESTEE, Judge.

March 11, 1902.

SINGER ROBBED OF INSTRUMENTS

(Special to the Advertiser.)

SAN FRANCISCO, March 5.—The sweet singers of hulas and melee who have carried the melodies of Hawaii from Buffalo to 'Frisco feel aggrieved at their treatment by a resident of this city. The Hawaiian Glee Club, composed of nine players and singers, is now in Los Angeles, and will shortly sail for Honolulu.

While here a thief stole articles worth $118 from W. K. Macomber, one of the club. The police have in custody a man who is suspected of the theft. The Chronicle says concerning the sad happening:

The Hawaiian Glee Club is out of tune. A jarring discord has marred the harmony of its final hours in San Francisco. It has been robbed of some of its sweetest melody, and some of its finest instruments. No fond "aloha" will sound this morning at 7 o'clock as the dusky ballad singers and strummers of stringed things depart on the early train for Los Angeles. The wrongs they have suffered in this great city will stick to their memories like the native "poi" to the fingers of the langurous Hawaiian maiden at a feast in Honolulu.

Theirs is a case of misplaced confidence and unlocked doors. They went to the Orpheum last night for their closing performance, and when they returned to their apartments some admirers had possessed themselves of valuable souvenirs and departed into the darkness of the stormy night. And such is the lesson these islanders have learned in America, where locks are put on doors to keep unwelcome visitors from intruding and not left off as is the custom in the unsuspicious paradise of the Pacific.

If any citizen should find in his possession this morning a fine Dewick banjo, value $40, and a Martin mandolin, value $25, and an Alvista camera, value $35, and a black military overcoat, value $18, then that citizen should guess that he must have been walking in his sleep and entered the Hawaiian's room by mistake and taken those things away. And the police are out looking for the man who was in a trance.

All the mementoes of the visit of the Hawaiian Glee Club were taken from one player, W. K. Macomber, perhaps because he was the most hospitable individual in the entire troupe, and repeatedly entertained friends in his little eight by-ten inside room at 121 Powell street. This Hawaiian player and two other members of the club were in the crowded room along with four local Hawaiian acquaintances up to 8:15 o'clock last night. Then one of the trio of singers departed for the theater.

At 8:30 the host himself went over to the Orpheum, and fifteen minutes later the last of the trio of professional players left the room for the show-house. When he departed the four visitors were seated on the bed and the trunk, having a sociable time. But when Macomber returned to his room at 10:30 o'clock the quartet of visiting Hawaiians was gone, and so were the most of his valued effects.

"This beats my New York record," sighed the sad Hawaiian singer. "In New York some one touched me for $110 in cash, and the things I have been robbed of tonight were worth $118."

The Hawaiian Glee Club was an attraction at the Buffalo Exposition. For the seven months since the fair these sweet singers have been touring the country and making a good thing out of the circuit. This was to be their last show town, except Los Angeles. After that the whole troupe expects to return to Hawaii, where unlocked rooms are safe and no honest man would steal his host's banjo.

FREDERICK O'BRIEN.

CHINESE CHAINED TO STANCHIONS

When the Peru arrived from San Francisco yesterday afternoon ten Chinamen were chained to the stanchions of the main deck. Some of the Chinese wore bandages round their heads.

It appears that they are deported individuals, who have been in the States a number of years, and who were rounded up from Maine to Alaska on account of some irregularity in their papers.

In San Francisco they were placed in the detention shed on the Pacific Mail wharf, and until the time came to transfer them to the Peru gave no trouble at all. On the day the steamer sailed a couple of Custom House officials went to escort the ten Chinamen on board the Peru. As soon as they entered the detention shed they were jumped by the crowd of Chinese, who were very plainly in no mind to leave America.

Things looked so disagreeable that the customs men beat a retreat and went in search of reinforcements. Meanwhile, the Chinamen grabbed chairs, pails, pieces of timber and anything else that came handy, and awaited the onslaught. Presently a dozen of the Customs men charged the detention shed. The battle which followed was short and sanguinary, and when the dust of conflict cleared away the Customs men were each connected with a thoroughly subdued Chinaman. In the fight one officer and three pakes were laid out.

The injuries of the disabled Chinamen were attended to and the whole lot were marched on board the ship, not one of them offering the slightest further resistance.

On the trip down they were allowed their liberty, but when Honolulu was reached the precaution was taken of chaining them to stanchions in case they might elect to make a bolt for liberty.

Gold Will Go to Japan.

WASHINGTON, Feb. 28.—Application had been received by Ellis H. Roberts, United States Treasurer, for permission to deposit $20,000,000 in gold coin in the Sub-Treasury at New York, to be paid to correspondents in San Francisco. The transfer is to be made by the middle of this month, and the money will be shipped to the Orient. It is believed that Japan has negotiated a loan of $20,000,000 with a prominent brokerage firm in New York and the gold desired for payment in San Francisco is to be sent to that government. Faith is placed in this information because it is known here that Japan has lost a great deal of gold in the last two years on account of extraordinary government expenditures. Two million dollars in gold was to have been sent from New York last week. San Francisco now holds $85,000,000 of the gold reserve.

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